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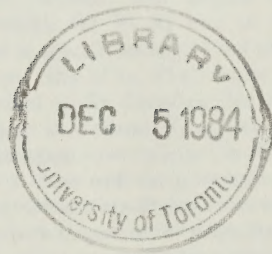


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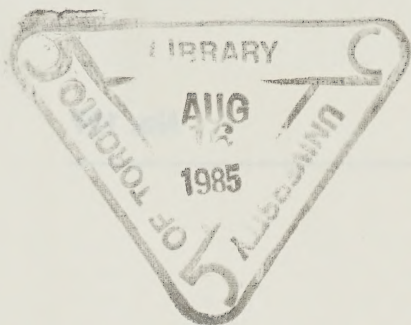
Legislative Assembly of Ontario



Fourth Session, 32nd Parliament
Tuesday, November 27, 1984
Afternoon Sitting

Speaker: Honourable John M. Turner
Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, November 27, 1984

The House met at 2 p.m.

Prayers.

FAMINE RELIEF

Mr. Speaker: Before proceeding with the regular business of the House, I would like to take this opportunity to make this statement to all honourable members.

This year, as we approach the Christmas season and turn our thoughts to giving gifts to families and friends, I know that all will feel an awareness of the wider world family and its need. Therefore, it would seem particularly appropriate that the Legislative Assembly as a whole demonstrate that we are ready to sacrifice some of our Christmas pleasures to help those whose lives hang so precariously in the balance.

In order to reflect this heartfelt concern, I have decided that instead of spending funds on the Speaker's Christmas party, which traditionally takes place each year, these funds should be forwarded to one of the major international relief agencies to send assistance to Ethiopia.

I am well aware that many hundreds of people have come to enjoy the Speaker's party, families and friends as well as members and, more important, those employed in the Legislative Building. However, I am confident that all will respond to this tangible expression of our concern.

Accordingly, I am directing that a sum of \$10,000 be forwarded to UNICEF Canada, the United Nations International Children's Emergency Fund, and be designated for the purchase of food and blankets for Ethiopian relief and that this donation be made on behalf of the Legislative Assembly of Ontario.

Hon. Mr. Brandt: Mr. Speaker, I for one appreciate the very sensitive and commonsense comments you have made. Certainly I, along with my colleagues, join in support of the position you have taken with respect to this very urgent need.

STATEMENTS BY THE MINISTRY

NIAGARA RIVER WATER QUALITY

Hon. Mr. Brandt: Mr. Speaker, in 1981 the Niagara River Toxics Committee was formed to

find out what chemicals were in the Niagara River, where they came from and what should be done to control them. The committee was composed of representatives from my ministry, Environment Canada, the United States Environmental Protection Agency and the New York State Department of Environmental Conservation.

This morning the committee released the results of its three-year study.

First of all, I want to extend to the members of the committee our appreciation. Not only is the thorough research by the committee testimony to the merits of co-operation for our common interests, but also it has given us invaluable knowledge upon which we can base future actions.

The report states that contamination of the Niagara River comes from both industries and landfill sites along the waterway. Eighty-nine per cent of the priority pollutants from municipal and industrial plants comes from the United States side of the border and 11 per cent from the Canadian side of the border.

Ten facilities were singled out as being responsible for 90 per cent of the pollutants traced to specific industrial and municipal point sources. Nine of the 10 are on the US side. The one cited on the Canadian side is Atlas Steels company in Welland. Recognizing that the data for the report were collected in 1981 and 1982, I want to share with the honourable members the actions Ontario has already taken in the past three years with respect to the Atlas Steels plant.

The plant was put under control orders by my ministry and, with the installation of pollution abatement equipment costing \$10 million, has reduced its discharge of heavy metals by 85 per cent. My ministry is monitoring the remaining discharges to ensure continued compliance and to determine whether future action may be required.

In addition to the industrial sources of pollution, the Niagara River Toxics Committee report dealt with waste sites on both sides of the border. As members know, my ministry has intervened in the United States to press for adequate cleanup measures of such chemical dumps as Hyde Park and the S area site.

I believe it is important to point out that for Ontario a broader definition was used in the search for possible problem waste sites. The Americans considered only known or suspected toxic waste sites within three miles of the Niagara River. In Ontario we evaluated all waste sites within the entire drainage basins of the Niagara and Welland rivers, whether or not the sites contained hazardous wastes.

The NRTC report singled out 61 waste sites on the US side and only five in Ontario as having significant potential to affect the Niagara River. The five Canadian landfill sites identified in the report are: 1. Cyanamid Co. of Canada's waste storage area at Niagara Falls; 2. Cyanamid's waste site at its Welland fertilizer factory; 3. The Atlas Steels waste site in Welland; 4. The Fort Erie municipal waste site; and 5. The Canadian National Railways waste site in Niagara Falls.

Again, the identification of these sites as being potential problem areas was based on studies carried out some three years ago. In the cases of Atlas Steels and Cyanamid Welland, respectively, remedial actions have been taken under a control order and by agreement after successful prosecution. In the others, my ministry has undertaken investigations, including borehole sampling of the sites. So far, there is no evidence of a problem with respect to the Ontario sites. The CN site is under federal jurisdiction and has already been closed. Nevertheless, we have requested the federal government to take remedial action.

I trust it is clear that Ontario has already conscientiously dealt with those sites of potential concern within our own jurisdiction.

The toxics committee report also identified 139 chemicals of concern in Niagara River water. While the chemicals were detected in raw, untreated water, we wanted to determine whether any of them were present in our treated drinking water. For the past six years, Ontario has been monitoring drinking water quality in the Niagara area. The program was initiated in response to concerns about chemical dumps near the river, primarily on the US side.

2:10 p.m.

Today, I would like to share with members the results of our most recent drinking water survey. It is the most comprehensive evaluation of water quality ever undertaken in Ontario or, to my knowledge, anywhere in North America.

Using data from the NRTC report as the basis of the inquiry, my ministry launched a thorough sampling of drinking water. Samples were taken from seven water treatment plants; four are in the

regional municipality of Niagara at Niagara Falls, Fort Erie, Welland and St. Catharines. The St. Catharines plant is also the source of supply for the great community of Niagara-on-the-Lake and for the community of Thorold.

It should be noted that the city of Niagara Falls gets its water from the Niagara River at a point above the falls, that Fort Erie's intake is in Lake Erie and that Welland and St. Catharines derive their drinking water from the Welland Canal. For purposes of comparison, water samples were also taken from Hamilton, Oshawa and the R. L. Clark plant here in Toronto.

Routine testing was greatly expanded to analyse tap water for all potential contaminants of concern that were identified by the NRTC as being present in the untreated or raw Niagara River water.

I would like to point out that it is only with recent advances in analytical equipment and protocols that we have been able to undertake such sophisticated testing. As members will recall, I have made the point repeatedly in this House that our laboratory now can detect chemicals at levels previously thought impossible.

We now can find not only one part in a million parts but also one part in 1,000 times that and 1,000 times that and 1,000 times that; that is, one part in a quadrillion. Put another way, it is the equivalent of one second in 32,000 years. In practical terms, if they are there, my ministry staff and the technical people I have in the employ of the Ministry of the Environment will find those contaminants.

Of the 139 chemicals of concern cited in the NRTC report as being in untreated Niagara River water, we could detect only very minute traces of nine organic compounds in drinking water. Let me stress that not one exceeded our drinking water quality objectives or existing water quality criteria.

Three of the nine detected are created during the purification of raw water. In all cases they were far below Ontario drinking water quality objectives; in other words, they were on the safe side again. Six others, likely of industrial origin, were detected only in the parts-per-trillion range; that is, at levels at least hundreds of times below the threshold levels at which toxicity is believed to occur.

The treated water was also sampled for metals found to be present in untreated Niagara River water. I am pleased to report that our sampling found none of the metals defined as toxic—arsenic, cadmium, mercury and lead—in the

drinking water, even at levels less than one part per billion. The six metals we did detect, including aluminum, copper and zinc, were those found naturally in Ontario's surface waters. Again they were far below Ontario drinking water guidelines.

I would like to give the members some idea of what our findings mean to people who drink the water in Ontario, including me. A person would have to drink more than 30,000 glasses of water a day every day for a lifetime to exceed the safety levels of, for example, the chlorinated benzenes detected in our samples.

The analysis of the drinking water from the seven treatment plants indicates that it not only meets but surpasses the qualitative criteria established by the World Health Organization and by Ontario's drinking water objectives. In other words, it more than meets all health-related objectives known to medical and scientific authorities. Of course, we have some authorities on the other side of this House who know more than some of the world health authorities, and they will be telling us about this shortly.

The water coming from Ontario's water treatment plants is second to none in the world, and I am proud to say that.

ALGONQUIN COLLEGE

Hon. Miss Stephenson: Mr. Speaker, I should like to respond to the report of the Provincial Auditor, which was presented to the standing committee on public accounts on November 22, 1984.

First, let me deal with two matters that concern the operation of the Ministry of Colleges and Universities. In his report, the auditor refers to an overpayment of approximately \$150,000 relating to 45 Nigerian students. He is correct in his statement that this overpayment should have been prevented.

Procedures operating at the time were such that the auditor's report was examined in the Ontario college information system, commonly called OCIS, while the grant distribution was calculated within a branch of the Ministry of Colleges and Universities. The procedure required that an appropriate reconciliation be made in all cases. In this instance, the reconciliation did not take place. However, the entire procedure has been replaced now by a more appropriate one in which no separation of function occurs.

A second, more serious matter is the auditor's observation that "the ministry should have had sufficient time to make earlier adjustments" to

the grant paid to Algonquin College of Applied Arts and Technology.

By the time a firm estimate of the overpayment had been established, Algonquin College and all the other colleges had made their budgets and had entered into contractual commitments covering the whole of the year 1983-84. To have adjusted the grant in mid-year would have deprived Algonquin of funds it had already contracted to expend and might have forced the college into a deficit. As an adjunct, it could have also forced the laying off of a significant number of faculty members within that college.

An adjustment of this nature should be made at the beginning of a financial year, not part-way through it. For that reason, after careful consideration an informed decision was taken and the adjustment was not made at an inappropriate time, but was made for the following year.

The auditor's statement that the ministry "waived recovery" is somewhat confusing to those reading it. The concern is a matter of distribution amongst the colleges and not a matter of the government spending more than it should have. The question of recovery does not arise.

The auditor points out that the decision not to redistribute was recommended by the funding review committee following consultation with the other colleges. It was, however, the consensus of the college community that there should not be redistribution and that the ministry's decision not to adjust the grant during the 1983-84 year was correct.

With respect to the training in business and industry program, the Algonquin management centre has amended its internal procedures so that the TIBI consultant cannot now alone control any expenditure. There is now a shared responsibility that eliminates the danger of a recurrence of fraudulent transactions. In addition, a directive has been sent to all colleges emphasizing the importance of maintaining adequate checks and balances to ensure appropriate standards of accountability.

Since the time of the fraudulent transactions, the administration of the TIBI program has been further developed, and the past occurrence of telephone approvals or retroactive approvals, as rare as they were, has been eliminated totally.

In his comments on management controls, the auditor states his belief "that the college was entitled to a larger share of the fees collected by the Society of Management Accountants for services provided by the college." I should report that the college administration is in contact with

the SMA now to review the settlement that was originally made between those two institutions.

Let me now turn to those matters which refer to the operation of Algonquin College.

The auditor observed that the controls exercised by the college were "unquestionably inadequate" in the case of the financial management program and that there were "weaknesses in internal control" in the case of fraud in the TIBI program. At this stage, the important matter is not that things did go wrong, which they did, but that action has been taken, is being taken and will continue to be taken to minimize the likelihood of such things going wrong again.

2:20 p.m.

I should like to emphasize that this process of strengthening controls is a long and painstaking one, but it has started under a new management team at Algonquin College in the following ways:

1. A new system of budgeting and budgetary control has been prepared and is in the process of being introduced;

2. The registration process, including all matters relating to the enrolment audit, has been centralized under the control of the registrar;

3. Campus administration and the handling of cash have been brought totally under centralized control;

4. An integrated on-line system for financial reporting, budgetary forecasting and student information has been designed and will be implemented;

5. Targets for the productive use of resources have been reinforced; and 6. The audit committee has been re-established as a committee of the board of governors and in matters of importance, the auditor now deals directly with the audit committee with no intermediary.

As well, I have assumed a direct role in the appointment and terms of reference of each of the college's auditors, both of which are subject to scrutiny and approval of the minister until we are satisfied that the management of the college has been re-established at an acceptable level.

In addition, I have appointed a member of my staff to be a nonvoting member of the college's board of governors. He will give appropriate guidance to the board and will report to me if there are matters which require ministerial attention. This arrangement will continue until the ministry and the minister are satisfied that adequate management and controls are firmly in place in that college.

ORAL QUESTIONS

NIAGARA RIVER WATER QUALITY

Mr. Peterson: Mr. Speaker, I have a question for the Minister of the Environment. Let me congratulate the minister on his cunning in presenting these two reports together. However, he has clearly ignored all of the import of the study on toxics in the Niagara River. In trying to launch a defence today by looking at the water quality study, he clearly ignores what is happening and the import of that statement.

Mr. Speaker: Question, please.

Mr. Peterson: It is cunningly conceived to try to defend inaction over the past several years. There is even the way the minister talks about the 61 waste sites having potential, when the report itself says a number of them have contributed and are contributing now to contaminants in the Niagara River. He has clearly chosen not to point that out.

Mr. Speaker: Question, please.

Mr. Peterson: Is the minister not aware that the potential for contamination pointed out in the study is absolutely awesome? I point out to him the language of the layman's guide saying, "The most worrisome knowledge is that the contaminants problem in the Niagara River is going to get worse whatever we do and we just don't know the time frame."

How can he stand and justify what he has done in the past with this puny little study of drinking water when, in fact, that is not the problem pointed out in the governments' joint study?

Hon. Mr. Brandt: Mr. Speaker, I resent the use of the word cunning because obviously the honourable member does not understand either the initial report or the statement I made in the House today.

He completely ignores the fact that some \$7.5 million was spent by four levels of government to determine exactly what the problems are in the Niagara River area. In no way, shape or form are we ignoring the fact that there are serious potential problems almost singularly located in all instances on the American side of the river.

The reality is we have done a number of things. Mr. Speaker, you will not allow me to mention all of them, but if I can I will mention a few. When you feel I have exhausted my time you can let me know.

I would like to start with what this government has done in addition to the \$7.5 million we have spent to identify the problems the member is now using in this House to indicate our inaction,

which is totally inaccurate. The reality is that this government and the ministry I represent have spent well in excess of \$1 million on the Niagara River improvement team to keep a very close eye, particularly on the problems that are developing on the American side of the river.

The member knows that we have intervened in the courts in the United States as well. Our monitoring team is actively engaged virtually on a 24-hour basis in determining the problems in that jurisdiction. The frustration in all this is that the Leader of the Opposition cannot point to a single problem on the Ontario side of the river.

Mr. Speaker: Thank you, minister.

Hon. Mr. Brandt: The only problems he can point to are on the American side of the river and we are doing everything that is possible—

Mr. Speaker: Thank you, minister.

Mr. Peterson: I can point to a history of inaction, rationalization and justification by his ministry. It is one of the main reasons we have the problems we do today.

Mr. Speaker: Question.

Mr. Peterson: The minister was not involved in the Love Canal, he chose not to be involved in the Hyde Park hearings and when he got involved in the S area hearings he completely screwed them up. He knows the problems and I know the problems. Now he has cut back his own budget and is not prepared to address them.

He knows the problem and I know the problem. We have to get in and remove the contaminants on the American side, and he has taken a very weak position on this matter throughout the past few years.

Is the minister prepared to get in and take strong action to remove those toxic chemicals to save our own drinking water? That is the question. What is he prepared to do?

Hon. Mr. Brandt: It is interesting that in the context of the question the honourable member just asked, he did bring up the quality of drinking water, which is one of the main thrusts of the report he swept aside a couple of minutes ago. Interestingly enough, he does not even listen to his own questions sometimes.

When the member talks about inaction on the part of this government, he should ask the member for Niagara Falls (Mr. Kerrio), who just had an investment of \$12 million made in his community; ask the member for Welland-Thorold (Mr. Swart), who just had upgrading in his community; again ask the member for Niagara Falls about activated carbon filtration, which is going into his community. There is no

inaction on the part of the government, none whatever.

Mr. Rae: Mr. Speaker, I want you to know that we on this side of the House would never accuse the minister of exhibiting any form of cunning whatsoever. I want to make that very clear.

Mr. Speaker: Question, please.

Mr. Rae: Cunning is a quality that I would not attribute to the minister or, indeed, to the government at any time.

Since the government is so totally candid and so completely devoid of cunning of any kind, can the minister tell us why he did not release the complete data of his own study with respect to the evaluation of drinking water, and why we were not told what the six compounds are and in precisely what amounts they are to be found in the drinking water? Why not release that information at exactly the same time as he releases his gloss, to put it politely, on the material he has discovered?

Hon. Mr. Brandt: Mr. Speaker, I was not aware, and I apologize to the leader of the third party, that the substances he has identified were not released. I will see that he gets them. There is no secrecy associated with those whatsoever. There was no attempt to gloss over any of the contaminants that were found in the Niagara River or any of those contaminants that we tested for in treated drinking water.

I appreciate the absolute, total and complete endorsement by the leader of the third party of the way in which we operate the government on this side of the House and the way in which this ministry is operated. I want to thank him for that.

Mr. Peterson: Let me get back to the substance of this report, which the minister has chosen to gloss over. I am not sure he understands the seriousness of it and the potential problems that have been developing.

What has happened today was not unpredictable by thoughtful people some years ago, when his ministry was rationalizing and explaining all the time. Let me read this quote to the minister: "The sobering reality is that, given the existence of these dump sites in their present state, particularly those containing TCDD," dioxin, "the potential for a contamination event that would irreversibly eliminate the ecosystem all the way down to the St. Lawrence and beyond cannot be dismissed."

Mr. Speaker: Question.

Mr. Peterson: That should not delight the minister, it should horrify him. Clearly the

answer is the removal and destruction of that toxic material.

What action is the minister taking to persuade other levels of government, that have been shall I say equally negligent, to remove those toxics immediately? Surely that should be the number one priority. It should be the minister's priority. What is he doing?

Hon. Mr. Brandt: Mr. Speaker, that is exactly what we did during the course of our interventions, most recently in the New York state circuit court. At that time we indicated that the only complete, total and final solution to the problem would be the complete removal of the toxic contaminants in the American landfill sites that were identified not only in our report but also years earlier by this government, when, I might add, the Leader of the Opposition did not show a single concern about environmental issues.

I do not know whether he has even visited the landfill sites he seems to know so much about. He should go there and visit them and get some real indication of the seriousness of the problem we are attempting to come to grips with.

2:30 p.m.

This government has intervened on a constant basis. As recently as Friday, I spoke to the federal Minister of the Environment, Suzanne Blais-Grenier, with respect to a possible intervention that can be taken by the federal government. That is something the former federal government did not do.

I will also be speaking to Mr. Hank Williams, who is the commissioner of environmental conservation in New York state. I will intervene as well with the Environmental Protection Agency. I will leave no stone unturned in an attempt to get something done in our neighbour's jurisdiction to see that those landfill sites do not contaminate the water supply of the residents of Ontario.

Mr. Kerrio: Mr. Speaker, on a point of privilege: I cannot accept what the minister suggests: that the people on this side of the House have not played a very active role in dragging this government kicking and screaming over—

Mr. Speaker: Order.

Mr. Peterson: Let the record show that all leadership on this issue has been shown on this side of the House. The government is the last one to realize it.

Mr. Speaker: Order. Will the Leader of the Opposition please resume his seat?

Interjections.

INTERNATIONAL HARVESTER

Mr. Peterson: Mr. Speaker, I have a question for the Minister of Industry and Trade. The minister will be aware of the announced purchase of International Harvester by Tenneco in the United States for some \$430 million. I understand that includes the International Harvester plant in Hamilton.

Could the minister tell us what discussions he has had with the officials of one or both of those companies to ensure those jobs will remain in Hamilton and Ontario? What assurances has he received? What conditions has he put on his approval?

Hon. F. S. Miller: Mr. Speaker, I have not received an assurance, but I have every reason to believe the jobs will stay in Canada. We will fight to make sure they do. It is in our interest to do so. I checked with my staff today and it is our belief they will.

Mr. Wrye: Sounds like Black and Decker.

Hon. F. S. Miller: It may also be the survival of a company. I think the member should look at that quite carefully before he starts making sounds like that. As he knows, that industry is in great difficulty. It happens that the two companies which have amalgamated do not have similar product lines, as I understand it. I believe the kinds of products made in Canada are likely to continue to be made in Canada. I believe we have certain economic reasons for them to stay in Hamilton, such as a lower hourly rate.

Mr. Peterson: Surely the minister's responsibility is not to be the spokesman for the company and rationalize its rationalization. His job is to speak up for the 1,100 workers now employed at International Harvester. Surely, he should satisfy himself as to the effects of this purchase on their jobs.

Clearly the minister does not know at the present time, but will he satisfy himself that those jobs are secure? Will he satisfy himself that those jobs will not be "rationalized" out of Canada? Will he extract guarantees from both the purchaser and the vendor that those jobs will remain in Canada? Surely that is his responsibility. I am asking the minister if he will do it.

Hon. F. S. Miller: I think the Leader of the Opposition has a very large opinion as to what Ontario does or does not approve of. Purchases of that nature are not subject to anything except a reference to Ontario.

Certainly my job is to see that those jobs stay in Ontario, if we can keep them here, and I intend to do just that. At the same time, my friend knows

that business is suffering around the world. The best way to make sure the jobs stay here is to make sure we have a competitive plant, which we will do in that case. I was looking at the comparable costs of—

Mr. Peterson: The minister's job is to fight for Ontario is it not?

Hon. F. S. Miller: We do it a lot better than his party. At least our party is not in disarray.

Mr. Rae: The minister referred to the Foreign Investment Review Agency. Since this matter would have gone to FIRA, what opinion did the minister offer that body regarding the position of this government? He also knows FIRA can attach certain qualifications to its approval. Did he request any specific requirements from FIRA with respect to Canadian content and keeping the plant in operation? If he did not do that, why not?

Hon. F. S. Miller: Mr. Speaker, my understanding of the relations between Ontario and FIRA is they are privileged.

Mr. Nixon: Mr. Speaker, would the minister indicate if those relationships are supposed to be kept secret? Is he not informed by his opposite number in the government of Canada about discussions related to these matters? If he knows about them, why can he not make the information available to this House and to the people concerned with the jobs?

Hon. F. S. Miller: Mr. Speaker, I can tell my friend that was a rule set down long before the present government was in Ottawa. We are asked for a lot of advice. Indeed, the honourable member knows, because he has worked with me at times for industries going into his area, when we are asked our opinion, it is privileged. We generally give it but we do not divulge it.

NIAGARA RIVER WATER QUALITY

Mr. Rae: Mr. Speaker, I want to go back to the minister with no cunning, the Minister of the Environment.

My question to the minister is this: Given the evidence of the existence of a new kind of chemical pollution which really does represent—and I am sure the minister will agree, since it is the substance of this vast document that has been produced—a new threat to Lake Ontario and to the Niagara River, what additional legal and political steps do he and his government intend to take to ensure that this process of deterioration and this process of increasing toxicity and the poisoning of this system will finally come to an end? Damage is being done. We are not being compensated for this damage by the people who

are perpetrating the damage. What new steps is he going to take to deal with the problem?

Hon. Mr. Brandt: Mr. Speaker, I appreciate the concern indicated in the question of the honourable leader of the third party. I can only assure him we will take whatever steps are at our disposal, including influencing the federal government to intervene directly with the American authorities to bring about the cleanup of those particular sites.

I have asked my staff for a review of the so-called Superfund to see whether there is some mechanism that can be used to accelerate the use of the Superfund in the United States for cleanup purposes. As my honourable colleague the Deputy Premier (Mr. Welch) indicated in his response to the question yesterday, this government does not take the position that we have all the answers to a very complicated and complex international problem.

We are quite prepared to have input from the other parties with respect to a nonpartisan way to address this issue and to come to some conclusion satisfactory to all parties. We recognize that it is another jurisdiction, that it is a foreign country that is causing the problems that are polluting the Niagara River, and potentially Lake Ontario as well. We are quite open to any suggestions the member might make. It would be refreshing to hear some positive suggestions from that side of the House.

Mr. Rae: When a government says an issue is no longer partisan and when it turns to the whole House for help, then one knows it really does not have a clue about what to do.

Mr. Speaker: Question, please.

Mr. Rae: Why, for example, has the government of Ontario not launched independent legal action under the Boundary Waters Treaty, not looked at legal action under the US Clean Water Act and not even looked at the possibility of an action under the common law of nuisance? All those remedies are available. Why has the minister not made use of those remedies? Why has he not sought to get compensation for the damage that is occurring each and every day with this poisoning of the Niagara River and of Lake Ontario?

Hon. Mr. Brandt: The reason we have not taken action under the Boundary Waters Treaty is quite obvious. It should be self-evident. It is a federal undertaking and I hope my discussions with the federal minister will lead to some action that might be taken under existing agreements

and will influence some changes that might occur as a result of our intervention.

As the leader of the third party already knows, we have intervened directly with the courts in the United States and we will continue to do so. We will continue to take every action at the disposal of this government to correct and rectify quickly the situation on the American side of the border.

2:40 p.m.

Again I say, with some interest and some degree of frustration, the only questions the members opposite can raise concern a foreign jurisdiction. That would indicate the cleanliness of the environment on this side of the border is second to none.

Mr. Speaker: Supplementary, the member for St. Catharines.

Mr. Kerrio: Is the minister telling us the water stops and the toxics stop at the international boundary line? Is that what he is saying?

Hon. Mr. Brandt: No. I am saying they are coming from the other side.

Mr. Speaker: Order. Does the member for Niagara Falls want to place a question? No? Then the member for St. Catharines.

Mr. Bradley: Mr. Speaker, recognizing the report that was leaked from the two or more scientists from Environment Canada and the report that subsequently was forthcoming this morning to everyone in Ontario, and recognizing the seriousness of the situation, does the minister not agree that now is the time—it may have been several years ago that we should have been doing this—to have the Premier (Mr. Davis) meet with the governor of New York state, and the Prime Minister of this country meet with the President of the United States, to discuss a matter that has ramifications for millions of people who live along the Niagara River and the Lake Ontario basin?

Hon. Mr. Brandt: Mr. Speaker, the honourable member is aware I have no reservations whatever about recommending to the Premier of this province that he meet with the governor. The Deputy Premier gave that undertaking yesterday. In his response to the question, he indicated the Premier of this province is prepared to go anywhere in North America to solve a problem of this magnitude.

I give the member that same undertaking. I cannot speak on behalf of the Prime Minister. However, I might have a somewhat more open forum to talk to him than the member does, and I will make those recommendations to him.

I will also add, if I might, on a point of personal information with respect to an earlier question that was asked—I am trying to save the time of the House—

Mr. Speaker: I think you can rise on a point of personal information at a later time.

Mr. Rae: Apparently, Mr. Speaker, the Premier is prepared to go anywhere in North America except to the Ontario Legislature.

I have a question for the minister in response to his challenge, since he issued a challenge about Ontario companies. How does the minister square the fact, separate from and not agreed to by the Americans, that two uniquely Canadian recommendations stated specifically that zero should be the objective and zero should be the target with respect to the standard of pollution? How does he explain that there are several companies on the Canadian side which are still out of line, not only with the zero target, but even with the targets of the Ministry of the Environment. The minister is aware of that.

Perhaps the minister will look specifically at page A-26 of this lengthy document. Since the minister wants the comment with respect to one company, I will refer to trichloroethylene at Atlas Steels. It is well in excess of the guidelines. The control order does not appear to have dealt with the problem of trichloroethylene at all.

Is the minister aware of that? What are he and his government doing to ensure it comes into line with the recommendation made by the two Canadian participants in the scheme that they should look hard at making zero the objective and zero the acceptable standard for these kinds of compounds?

Hon. Mr. Brandt: I have no problem with a zero objective when it is realistic and achievable. In the case of Atlas Steels, I think the member who sits directly behind the leader of the third party, who has indicated some concern about some of the industries in his area, will be able to confirm what I am about to say with respect to that company.

They have spent something in excess of \$10 million and have controlled something in the order of 85 per cent of the contaminants that were earlier being discharged from that plant. The leader of the third party is absolutely right that some of the trichloroethylene problems and other contaminants are not yet at the levels we would like to see them. However, they are so minute and minor in the overall scheme of things that, if one takes the totality of the report we are dealing with, they are absolutely insignificant with respect to the measurable impact.

However, we are going to continue to work on problem areas such as the Niagara Falls treatment plant, the Welland treatment plant, which was recently upgraded, and Atlas Steels. We will bring those plants into compliance, but I cannot assure the member it is going to happen overnight. In some instances the technology is not there, or the dollars are not there, to be able to undertake that upgrading.

However, at the earliest opportunity, each and every plant in Ontario will meet our criteria and objectives. That is our goal and that is the thrust we are taking in this ministry and on this side of the House.

Mr. Rae: I have a new question, but I would just say to the minister that when he downgrades the problem, he sounds suspiciously like the spokesman for Hooker Chemical whom we all saw on the Canadian Broadcasting Corp. last night. It was the same approach, a minor problem that does not really exist.

Mr. Speaker: Order. Question.

LEADERSHIP CAMPAIGN

Mr. Rae: Mr. Speaker, I have a question of the Minister of Industry and Trade. I have a letter here that is signed by Mr. Ken Lawrie, who is the spokesman for the Frank S. Miller Finance Committee. He is writing a letter to a potential donor to the Miller campaign. The letter says:

"I am writing to share with you what sets Frank Miller's candidacy apart from the rest and why he should be the next leader of the Ontario PC Party.

"Candidly, the difference is fundamental. Mr. Miller simply has a different view of the role of government in the lives of citizens."

Mr. Speaker: Question, please.

Mr. Rae: "His public record substantiates it. For example, Mr. Miller is the candidate who has most consistently worked to keep taxes down and expenditures at a minimum."

If that is true, there seems to be some misunderstanding. Is the Frank Miller who is running for the leadership of the Tory party and whose name is on the heading of this paper the same Frank Miller who raised personal income taxes from 44 per cent to 48 per cent? Is it the same Frank Miller who increased Ontario health insurance plan premiums by \$184 million? Is it the same Frank Miller who increased the sales tax? Is it the same Frank Miller who introduced the ad valorem tax?

Mr. Speaker: Order. I must point out to the member that during oral questions he must direct

his remarks to the ministerial responsibilities of the ministers involved.

Mr. Hennessy: Cheap shot.

Mr. Kerrio: It was a good question, though.

Mr. Rae: Mr. Speaker, if I may say so, this letter, written for the Minister of Industry and Trade—

Mr. Speaker: With all respect, that was not the way you described it. I think you must restrict your question to the responsibilities of the ministry and the minister.

Mr. Rae: If I am only allowed to ask the Frank Miller who is now the Minister of Industry and Trade this question—

Mr. Kolyn: Let us play games.

Mr. Rae: —and I am prepared to play the game, if that is the game that has to be played in terms of changing hats, I would like to ask the Minister of Industry and Trade how can he explain that someone would send out a letter under these circumstances when he has been known to have been part of a government that increased taxes by more than \$2 billion? Does he still support those tax increases?

Hon. F. S. Miller: Mr. Speaker, I support all measures my government has taken in the last 12 years.

Mr. Conway: You have Suncor.

Mr. Speaker: Order.

Mr. Rae: I will ask the Canadianized Reagan, under his own description, the Canadianized version of Reagan, which we need like a dog needs fleas in Ontario, how can he explain the fact that he is described as the candidate who has most consistently worked to keep taxes down and expenditures at a minimum? How does he explain that in the light of the record of his government?

Mr. Speaker: With all respect, as I mentioned earlier—

Mr. Mancini: Mr. Speaker, why are you protecting him?

Mr. Speaker: I am not protecting anybody except the integrity of this House. Rather than question the candidate, I think we had better restrict our questions to the ministers and the ministries.

Mr. Rae: I will ask then, by way of supplementary, does the Minister of Industry and Trade support the continued imposition of ad valorem taxes, which have amounted to an increase in taxes of \$623 million? How does he

square that with the statement that he has tried to keep taxes down?

Hon. F. S. Miller: Mr. Speaker, that is no longer within my domain.

Mr. Elston: Try again.

Mr. Rae: Perhaps we can try again but what are we to do, Mr. Speaker, when we have these statements going about?

Mr. Speaker: I have ruled those other questions out of order. Proceed, please.

Mr. Peterson: Send him a cheque.

2:50 p.m.

Mr. Rae: Send him a cheque. That is your approach, but that is not my approach.

My question to the Minister of Industry and Trade is simply this. Since he is now the Minister of Industry and Trade, is it his intention as the would-be Premier to keep taxes down in the future as he has kept them down in the past?

Mr. Speaker: Order.

ALGONQUIN COLLEGE

Mr. Conway: Mr. Speaker, my question to the Minister of Colleges and Universities concerns the ongoing unhappiness at Algonquin College and the role of her ministry in that ongoing unhappiness.

The minister indicated in her statement to the House today that a host of new procedures are in place that will ensure this past unhappiness will not recur.

Is the minister aware that the second fraud at Algonquin College, specifically at the management centre, occurred months after her special envoy, Mr. Kenneth Hunter, who I believe at the time was the Assistant Deputy Minister of Colleges and Universities, was sitting on the board of governors of Algonquin College in an ex officio capacity?

How does the minister explain that months after her special envoy arrived to sit on the board of Algonquin College, a second rather breathtaking and transparent fraud took place? To make it even worse, it involved provincial moneys, much of which derived from the Board of Industrial Leadership and Development fund.

Hon. Miss Stephenson: Mr. Speaker, I do not believe it was a significant number of months. I think it was relatively shortly after Mr. Hunter had assumed the role of the ex officio member of the board that the examination of the financial records led to the suspicion that there had been a fraud. The investigation revealed very rapidly that indeed that had happened.

All of the money has been recovered, as the honourable member knows. I think it amounted to something in the order of \$34,000 and it was recovered entirely. I think a very significant personal problem totally encompassed the individual who was involved in this. It has been resolved totally and it was before the new financial arrangements were in place at Algonquin College. It was during the process of establishing those financial arrangements that it was uncovered.

Mr. Conway: Is the minister aware that 12 years ago, at the direction of one of her predecessors, the Council of Regents initiated a study of Algonquin College, in particular of its school of business. It expressed a concern at the time that there were all kinds of rumoured difficulties. The report, done by the just-retired chairman of the Council of Regents, Mr. Norman Sisco, concluded 12 years ago that the school of business at Algonquin College "bears some superficial resemblance to a jungle in which there is incredible depth of animosity and suspicion that shocked the review committee, a school of business that was shot through with allegations of burglarization, eavesdropping, bugged telephones, excessive moonlighting, blackmail, favouritism, immorality, ghost timetabling and wholesale conflicts of interest."

Mr. Speaker: Now for the question.

Mr. Conway: Is the minister aware that 12 years ago a report done for the Council of Regents concluded there was that kind of unhappiness at the school of business at Algonquin College?

It is now clear that 12 years later we have another report that confirms the worst of these suspicions. What confidence should we now have that the government will act any more effectively in putting out this fire, when we look at the sad and sorry record over the past 15 years in which the minister and her supervisors in the ministry have played a part, in some cases a leading part, in allowing this incompetence, stupidity, corruption and criminality to take place?

Mr. Speaker: Order.

Hon. Miss Stephenson: It is my understanding that 12 years ago action was taken by the then president of the college in conjunction with the Council of Regents and that there were some improvements in the situation. I can only tell the honourable member that the college in the area he represents has been a matter of concern to me since I assumed this role. It has been a matter of

such concern that we have taken unprecedented action.

The fire is out, and it is my intention that the fire remain out at Algonquin College and that there not be any conflagration in any of the other institutions either.

Mr. Allen: Mr. Speaker, she is some fireman. She starts fires all over the place.

Mr. Speaker: Question, please.

Mr. Allen: The Minister of Education passes off the auditor's report with the remark that it is confusing to those reading it. It is confusing only if she chooses to make it so.

I will refer to one particular item in the report, where it says—

Mr. Speaker: Is this a supplementary?

Mr. Allen: Yes, it is.

Mr. Speaker: It is the final supplementary then.

Mr. Allen: It says, "By the time a firm estimate of the overpayment had been established, Algonquin and the other colleges had made up their budget and entered into contractual commitments covering the whole year of 1983-84."

Does the minister recall that the final words of the auditor in concluding this section of his report were: "An audit report for 1979-80 and correspondence from the college dated December 8, 1980, to the ministry gave indication of irregularities in enrolment reporting; however, the college continued to be funded on the basis of enrolments reported."?

Is she telling us that it took the ministry three years to figure out it was overfunding the college? Who is in charge of the enrolment audit in the ministry? What reply did the minister make to that piece of correspondence informing the ministry that irregularities in enrolment reporting were taking place in 1980? Is the minister's statement not a piece of special pleading, and should we be having a full public inquiry into this whole matter?

Hon. Miss Stephenson: Mr. Speaker, I thought I had explained quite clearly that the responsibility related to the information gathering, and the declaration of funding on the basis of that gathered information, was a divided responsibility which had not been resolved properly in that situation.

There was a major error. That major error cannot occur again because the Ontario college information system is now related directly to the college affairs branch. It is no longer a part of the tripartite operation under which it had been established, which ensured that its reportage

came together with the other information only on the goodwill of those who were involved in it. That has now been resolved completely, and as a result of that resolution we will ensure that this sort of thing does not happen again.

I did not suggest that the entire report was confusing. I said one small area, that talks about overpayment or repayment, might have been confusing to the public because it was not really a question of repayment, it was a question of the redistribution of funds already allocated.

NURSING HOMES

Mr. Cooke: Mr. Speaker, my question is to the Minister of Health. The minister will be aware that in the last week it came to the attention of the public that in our area in Essex county, 36 charges were laid against Essex Nursing Home and 18 charges were laid against Beacon Hill Lodge.

These charges were very serious. In fact, in the case of Essex Nursing Home, the charges are for inappropriate nursing care, namely, that the nursing home failed to provide restorative care and failed to ensure that residents were reassessed. There were also charges with respect to the cleanliness of the home, keeping residents clean and so forth.

In view of the fact that these charges were very serious, why did the spokesman for the Ministry of Health, Mr. Enright, state that court action is taken when there has not been a reasonable effort to make necessary corrections and that if the nursing homes now comply with the act, the ministry will be prepared to drop these charges?

3 p.m.

Hon. Mr. Norton: Mr. Speaker, I would suggest to the honourable member that the person he is quoting would not be in a position to make that decision or exercise that discretion. The matter would be out of his hands and out of anyone else's hands in terms of prosecution once it is initiated.

It is not the policy of the ministry in any way to back off on charges once grounds have existed for the laying of them. That is the position I have made clear to the staff of the ministry. I acknowledge that it has not always been the case, but I assure the member it has been so for the past year or longer.

Mr. Cooke: Mr. Enright was the spokesman for the ministry, and he said he believed that "some of the alleged infractions at the home may now have been corrected. If this is the case, some of the 36 charges may be dropped." The minister will be aware that it has been the policy of the

Ministry of Health to drop charges once they have been laid if the nursing home then comes into compliance.

In view of the fact that these charges are very serious, can the minister state in this House that the charges will not be dropped? Can he also state that if these charges are proceeded with, which I hope will be the case, it will be the policy of this government not to drop charges and that once charges are laid, the fines will be substantial enough to make sure they act as a deterrent to nursing homes breaking the Nursing Home Act?

Hon. Mr. Norton: That is not the policy of the Ministry of Health. I cannot give the member the assurance he asks for, because I could not purport to completely fetter the judgement of the prosecutor once charges have been laid. I view these matters, although regulatory under the legislation, as quasi-criminal. I would not fetter his discretion in their prosecution.

What has given rise to the dropping of charges on occasion in the past is the fact that in many instances the court, on hearing evidence of the home having been brought into compliance, has either dismissed the charges or found the individuals or the home not guilty.

My instructions to our legal staff are that all charges are to be prosecuted vociferously, subject to some discretion on the part of the prosecutor. I refuse to try to completely fetter that discretion.

Mr. Wrye: Mr. Speaker, given the all-encompassing nature of these charges against the two nursing homes and the severity of the charges, why is it that it took so long to lay the charges? Why did the minister's inspectors not begin to rectify these very wide-ranging problems long before charges were laid? It would appear that these violations of the act were going on for some time before the charges were laid.

Given his failure to act before now, what assurances can the minister give us that even as we proceed with the charges, future violations will not be allowed to fester before they are dealt with by the ministry and its inspectors?

Hon. Mr. Norton: Mr. Speaker, the honourable member may recall that on at least two occasions, by way of statement in the House and by way of discussion in estimates going back beyond the present set of estimates, I have explained the changes I have implemented with respect to the enforcement procedures.

The practice in the past—this is evident in the delays the members refers to—had been that a period of time was allowed for the home to be brought into compliance. The policy I have

established in the ministry is that where the matters are serious and relate to patient care issues, they ought to be dealt with peremptorily. The home should be brought into compliance, but that does not excuse it from being prosecuted. That is now the policy, and it has been for some time.

There are also some delays associated with the laying of charges as a result of the much more thorough training that staff have now had from trained officers of the Ontario Provincial Police and Metropolitan Toronto Police, in the preparation of cases, so they will withstand the test before the courts. The cases now are more thoroughly prepared and documented. As the member knows, the Attorney General (Mr. McMurtry) has seconded a full-time crown attorney to work on the prosecution of these cases.

For those reasons, I do not think the member can legitimately say at this stage that we are being lax. It is true that delays have occurred, but I am doing everything I can to try to minimize delays from now on.

Mr. Speaker: Would the member for Sudbury (Mr. Gordon) and the member for Durham East (Mr. Cureatz) please resume their seats. Thank you.

In reply to a note from the member for Essex North (Mr. Ruston), I can only say I thought your colleague had a more direct interest in the question being asked.

NIAGARA RIVER WATER QUALITY

Mr. Bradley: Mr. Speaker, I have a question for the Minister of the Environment in regard to his report that was made public this morning.

When the member for Erie (Mr. Haggerty), the member for Niagara Falls, the member for Kent-Elgin (Mr. McGuigan) and I attended the briefing last night in Niagara Falls, New York, I asked the officials of the various agencies represented there whether they had been given a mandate to study, first, the cocktail effect of the various chemicals in the Niagara River—that is, the combination of these chemicals acting together—and second, the safe levels of the some 261 chemicals in the Niagara River. They indicated that neither of those potentially useful pieces of information was within their mandate.

Can the minister reveal to the House why those two important areas of endeavour were not within the mandate of this study?

Hon. Mr. Brandt: Mr. Speaker, it was a four-level government agreement, as the honourable member knows; so a consensus was arrived

at with respect to the parameters of the study that were established back in 1981.

I share the concerns he is raising, because what we did in our drinking water study was to take the list of contaminants that showed up in the raw water sampling, and those are the very ones we incorporated in our study of drinking water quality in this province.

As a result of the earlier study that Ontario undertook, and during the course of the results of the findings being released with respect to that earlier study, we did proceed on our own to determine the answers to some of the very questions the member is raising.

Obviously the first concern, and the highest priority this ministry has, is with respect to the quality of drinking water. We want to be absolutely sure it is safe, healthy and acceptable in every respect; so we did the very things the member is talking about.

Mr. Bradley: Except, as the minister will know, we are not able to determine the safe level of approximately two thirds of the 261 chemicals mentioned in this report, nor do we really have the determination of the true cocktail effect yet, although some work has been done on it.

A second thing emerged, and I will ask the minister about it. When the officials were questioned about the effect of the herring gull testing program and what kind of role it played in this report, they indicated it played a very significant role in the development of this report.

In the light of that and the fact that the federal Progressive Conservative government has put the kibosh on the program at Guelph and apparently has abandoned the program in Burlington, and the minister having had a chance now to review that—I know he has been looking into its ramifications—can he give an undertaking in the House today that he will salvage both these programs that were determined by this committee to be so useful in determining the problem that existed and in determining the potential for cleaning up the problem?

Hon. Mr. Brandt: We have not had an opportunity to review all the cuts that were made in the federal budget with respect to environmental programs. We are reviewing those at the staff level to determine whether the work we undertake in Ontario is going to be affected in any way by the decisions that were made at the federal level in connection with the herring gull program and similar types of programs. The Canada Centre for Inland Waters has also had some budget cuts that caused me some concern.

3:10 p.m.

If the health or safety of residents of Ontario is affected as a result of those cuts, I can tell the member that my approach is going to be, first, to argue those cuts directly with my colleague, the federal Minister of the Environment. Second, if I do not get the necessary action, and if I feel such is necessary after discussion with my colleagues in cabinet, we may decide to expand our own programs to include some of the programs that have been reduced, modified or cut at the federal level.

I gave the House that undertaking with respect to the Canadian Centre for Toxicology. We are already looking at ways and means of proceeding, not necessarily on our own but at least with an interim program, so we can study some of the areas of undertaking that would normally have been part of the function of that institute. We are looking at working with the universities at this time, perhaps increasing some grants to undertake certain specific studies.

We are not leaving the question unanswered. I want to give the member that assurance, but I cannot indicate to him now, particularly in a time of restraint, that I have a bottomless fund of money I can draw on simply to absorb federal programs that have been cut.

Mr. Charlton: Mr. Speaker, the member for St. Catharines (Mr. Bradley) raised with the minister in his initial question, as he put it, the cocktail effect of chemicals combining, or the synergistic effect of chemicals. For the seven years I have been in the Legislature, we have been hearing year after year that we do not know what the synergistic effect of those toxic chemicals will be.

The minister now has released a document which shows six chemicals getting through even our water filtration plants, albeit at very minute levels. When is he going to take some steps to start looking at the toxicology of those combined chemicals as opposed to looking at them in isolation, independent of each other? Now that we have determined that some of those chemicals are present in the water we consume, when is the minister going to start looking at their combined toxicological effect so that his comments about the safety of that drinking water can reflect more than just an isolated view of each chemical?

Hon. Mr. Brandt: Mr. Speaker, the science the honourable member is talking about has not been developed yet. I would like to be able to stand here and tell the member that we have a cure for cancer or a cure for many diseases or that we know what the synergistic effects of the

so-called cocktail combination of chemicals might be. At some point in the future, we will have the answers to those questions. At the moment, the best I can tell the member is that we are isolating them.

Mr. Charlton: When are we going to start working on it?

Hon. Mr. Brandt: We are starting to work on it. Let me tell the member how we are doing it. We are taking each chemical and trying to determine exactly what levels are acceptable for those individual chemicals. That is a tremendously difficult, complex science. The people who are employed by my ministry are as advanced as any in the world with respect to this question. I have complete and total confidence in all of them. I want the member to know that. I can only say—

Mr. Speaker: Thank you very much. That was a very complete answer.

Mr. Breaugh: The minister is sounding like a fifth candidate all the time.

Mr. Rae: The fifth man.

Mr. Speaker: Order.

Mr. Samis: Mr. Speaker, four is enough.

CORNWALL JAIL

Mr. Samis: Mr. Speaker, I have a question for the Minister of Correctional Services again about the antiquated Cornwall Jail.

How does the minister respond to the conclusion of the most recent public inspections inspection panel, which notes, "The Cornwall Jail is a dirty, small, unacceptable firetrap and should be replaced immediately with a new facility"? When he is answering, I ask the minister to remember that the new quarters he is installing there address the question of overcrowding but not the questions brought up in this report.

Hon. Mr. Leluk: Mr. Speaker, the member for Cornwall knows full well that an addition is being placed at the Cornwall Jail. It will increase the capacity by some 10 bed spaces, which should help to alleviate the overcrowding situation there. The jail continues to be a top priority for expansion and possibly replacement some time in the future, but the honourable member will realize that the capital funds are not available to build new facilities at this time.

Mr. Samis: Can the minister give us some indication of when we can expect some action, especially in view of the added comment by the panel that "the jail should be closed because it places inmates and staff members in such

unacceptable conditions, especially in this day and age"?

I reiterate that the question of overcrowding is not the focal point of this year's report. It is talking about a firetrap, a dirty, outdated institution. When can we expect something in the future?

Second, does the installation of those new cells undermine the possibility of a new facility in the future?

Hon. Mr. Leluk: I would not say it would undermine the possibility of a new facility some time in the future. As I have said on previous occasions, capital funding is not available to build a new jail at this time. It continues to be one of our priorities in new facilities at some time in the future.

ALGONQUIN COLLEGE

Mr. Conway: Mr. Speaker, I have a second question for the Minister of Colleges and Universities concerning her report today on Algonquin College. In her statement the minister indicates that "the college administration is in contact with the Society of Management Accountants to review the settlement that was originally made between them."

The Provincial Auditor's report details at great length the breathtaking scam that was perpetrated on Algonquin College and the people of Ontario by Mr. E. L. S. Huang. Because it is likely that Algonquin College and the taxpayers of Ontario were defrauded of more than \$500,000, what specific undertakings is the minister going to pursue to ensure that money is recovered and returned to Algonquin College and the consolidated revenue fund of Ontario?

Hon. Miss Stephenson: Mr. Speaker, it is my understanding that there has been a criminal investigation and that there is a strong possibility of further action in that area, which undoubtedly will lead to some kind of retribution.

At the same time, there is a discussion going on between Algonquin College and the association—the association being a party to the unfortunate action that took place—to determine whether the settlement to both parties at that time was appropriate or whether it should be improved.

Mr. Conway: Reading the auditor's report, does the minister not agree it is transparent that the college and her ministry were defrauded of hundreds of thousands of dollars? What particular undertakings is she going to pursue to ensure that money is recovered and that heads, other than that of Dr. Brian Ash, roll for this

incredible, outrageous fraud that has been perpetrated on the people of Ontario, the Ministry of Colleges and Universities and Algonquin College?

Hon. Miss Stephenson: I am not particularly prone to the axing of skulls. I thought that had gone out of fashion with Henry VIII. I think more appropriate action might be considered.

A number of avenues are currently being examined and pursued to ensure that the total restoration of funds is a reality for the Ministry of Colleges and Universities and thereby the people of Ontario. It is my understanding that we have achieved something very close to that even now.

Mr. Conway: What particular action? Can the minister—

Mr. Speaker: Order. Will the honourable member resume his seat? I will just serve notice on the member for Renfrew North that I will not caution him another time.

3:20 p.m.

AUTOMOBILE INSURANCE

Mr. Swart: Mr. Speaker, the Minister of Consumer and Commercial Relations will know that auto insurance company spokesmen, including Ted Belton of the Insurers' Advisory Organization, have recently predicted auto insurance rate increases of some 15 per cent for next year.

Recognizing that the property and casualty insurance companies made more than \$250 million in profit, net income, in the first six months of this year and recognizing the government's rhetoric on the need for a five per cent restraint world, and the steps his government takes to force it on the workers of this province, what steps is he going to take and what investigations is he going to make to require the insurance companies to justify every dollar of increase they propose to levy against the motorists of this province next year?

Hon. Mr. Elgie: Mr. Speaker, it will come as no surprise to anyone here or in the public that on occasion it is unfortunately necessary to adjust premiums to match claims. For example, in this province, the liability loss ratio for 1983 was 97, which means that 97 cents of every premium dollar went out. In other provinces it was lower and in some it was even higher.

However, the fact is that we have been well served by the competitive marketplace in this province. Consumers who are well informed in this province have an opportunity to achieve

insurance rates that I would say are the equal of any in the country.

Mr. Swart: The minister knows the premiums claims ratio has nothing to do with the profit the companies are making. They have made substantial profits.

I presume we are to understand from what the minister says that he is not going to require the insurance companies to justify their increases at all. Not only that but he is not going to require them to provide any fairness in their rate system. One of the unfairnesses is the imposition of excessive rates against young drivers. The minister must be aware—

Mr. Speaker: Question, please.

Mr. Swart: —that this issue is before the Ontario Human Rights Commission. Evidence there shows that these are unjust levies.

Will he demand more equity in rates before he allows any increase at all? If he has not got the courage or the good sense to put in public plans, as has been done in Manitoba, Saskatchewan and British Columbia, will he at least do as has been done by his colleagues in Alberta? Will he at least require justification of the increases and, equally, the excessive levies against young drivers?

Mr. Speaker: Yes or no.

Hon. Mr. Elgie: That is quite a mouthful. It is interesting that the member wants to be brought up to date on what is happening in this province. I think it is important that when he stands at his seat he has the opportunity to understand what is going on.

During this past year we have commenced a process of collecting other relevant data from drivers so we can determine whether there are other ways by which premiums may be assessed against individuals. We are trying to see if there is a method independent of age, sex and marital status. His chair has been comfortable so it is nice the member got up and raised this question, but he knows that is under way.

He also knows that at this very moment there is a hearing before the Ontario Human Rights Commission dealing with the issues of age, sex and marital status. At the same time, we are gathering data to determine whether or not there are other adequate criteria that could be used. I am glad to remind him of those things and it is important that he keeps in touch with these issues.

Mr. Barlow: I have a point of privilege, Mr. Speaker. I know that at this time of year we get many requests for funds to assist in many worthy

causes. However, I think a request that came to my place of business yesterday is perhaps carrying things a little too far. It has a crest of the province on the front and it reads, "Bob Rae, Member of the Legislature." There is a request here for me to help Mr. Rae—

Mr. Speaker: Order. That is hardly a point of privilege. Will the honourable member resume his seat, please.

Mr. Rae: Mr. Speaker, I just want to say, in answer to the member for Cambridge, that we accept deathbed conversions in our party—

Mr. Speaker: Order.

INTRODUCTION OF BILLS

ROYAL ONTARIO MUSEUM AMENDMENT ACT

Mr. Grande moved, seconded by Ms. Bryden, first reading of Bill 152, An Act to amend the Royal Ontario Museum Act.

Motion agreed to.

Mr. Grande: Mr. Speaker, the purpose of the bill is to reform the structure of the board of trustees of the Royal Ontario Museum. The board will continue to consist of 21 trustees, but the bill provides that eight of the trustees will be appointed by the Lieutenant Governor in Council, eight will be elected by members of the museum and two will be elected by members of the museum's professional staff. This bill also increases the number of trustees required to constitute a quorum and provides that meetings of the board shall be open to the public. I hope this will bring to an end the secrecy that is occurring at the museum at the present time.

PUBLIC VEHICLES AMENDMENT ACT

Mr. Mackenzie moved, seconded by Mr. Samis, first reading of Bill 153, An Act to amend the Public Vehicles Act.

Motion agreed to.

Mr. Mackenzie: Mr. Speaker, the bill would prohibit passengers from occupying the part of a bus or streetcar to the immediate right of the driver's seat after a driver has asked them to clear that area. It is a matter of health and safety in terms of bus drivers in the city and their passengers.

MOTION TO SET ASIDE ORDINARY BUSINESS

Mr. McGuigan moved, seconded by Mr. Kerrio, that pursuant to standing order 34(a), the ordinary business of the House be set aside to

discuss a matter of urgent public importance, namely:

The release of new information resulting from the Niagara River Toxics Committee report that indicates the presence of a serious threat to the water quality of Lake Ontario which provides drinking water for more than four million Ontarians;

The findings by Environment Canada officials which state, among other things, that: "Clearly, the Niagara River and Lake Ontario are poisoned ecosystems in which all media, including people, contain varying amounts of biocides, or chemicals, produced specifically to kill biota....The concern, then, is about the health of the Niagara River and Lake Ontario ecosystems themselves, and not just a matter of the number of human cancers caused by drinking the water";

The fact that both the provincial and federal governments are reducing their environment budgets and cutting programs that could, if kept, help slow and even reverse the chemical contamination of the Niagara River and Lake Ontario prompts this move.

3:30 p.m.

Mr. Speaker: I would like to advise all honourable members that the notice of motion was in my office within the time limits prescribed in the standing orders. I would like to point out to all members of the House, and I hope they will take note of it because I have mentioned it on three other occasions, that I think the time has come for us to correct our ways or I am going to have to make other decisions.

I suggest, with great respect to the honourable member, that the proper form of the motion would have had a period after "Ontario" in the third line of the second paragraph.

The other material you have included more properly belongs in your submission or argument that is going to be put forward, or may be put forward at a later time. I would ask all those people who are charged with the responsibility of preparing these motions to please take note of that.

I am going to give the honourable member the benefit of the doubt because I do feel it falls within the other criteria of the standing order. I will be willing to listen for up to five minutes to why he thinks the ordinary business of the House should be set aside.

Mr. McGuigan: Thank you very much, Mr. Speaker. Last evening the member for Erie (Mr. Haggerty), the member for Niagara Falls (Mr. Kerrio), the member for St. Catharines (Mr. Bradley) and I, along with our environmental

researcher, Gary Eiallion, attended the unveiling of the report of the Niagara River Toxics Committee. It is as a result of that information that we are here today.

I would say that traditional values are the thing today. In his re-election campaign, President Reagan stressed the family, the American dream and the question, "Are you better off today than under previous administrations?" I would ask the members of the Legislature what could be more traditional than safe drinking water? When our forefathers came to this country they could dip pure, clean drinking water from any source of moving water.

If there is any tangible example of traditional values, surely pure, safe drinking water would be an example. Is the water better off today than in the past? The answer is clearly no.

Honourable members are aware that dramatic progress has been made in cleaning up visible pollution of the waters of the Great Lakes. Today the beaches are relatively clean. The change has been dramatic. The waters are no longer dead. The phosphorous loadings have been reduced. The algae growth has ceased to be a problem, and the resultant eutrophication or oxygen depletion situation is largely a thing of the past.

The water looks good, smells good, but it is deceiving. A far more insidious problem exists, the presence of toxic chemicals. Now that the visible problem has disappeared, both federal and provincial governments indicate by their actions they think the political problem has disappeared, and so have seen fit to cut back on their allocation of funds.

How is the cleanup of visible pollution made possible? It was made possible by 75 per cent subsidies to municipal sewage treatment plants. We had a 70 per cent reduction in phosphate outflow as a result. Some industries closed, and controls were placed on those that remained.

We need the same commitment on a vastly increased scale in order to do the same for invisible pollution. The Environmental Protection Agency in the United States has found 3,000 chemicals that are able to accumulate in the fauna and flora of the lakes. Of those, 450 are known to be in Lake Erie, the source of the Niagara River water. Each year, 600 more chemicals are being introduced to this water system. We do not and scientists do not know the effects of the chemicals on the aquatic life or on human life.

Kent Fuller of the Great Lakes national office of the EPA says some 1,000 chemical compounds are now detected in fish in the Great Lakes. Except for DDT, which was banned

several years ago, he says contaminants are not under control.

Ron Shimizu of Environment Canada said at the Lake Erie conference I attended in Buffalo, New York, last month that scientists will tell you drinking lake water will not kill you tomorrow, but they cannot tell you about your future. We and they simply do not know the cumulative effect. We cannot depend on being rescued at the end of the line, as was the case with the simple inorganic chemical, phosphorous. We are now dealing with thousands of organic chemicals, most of them produced to kill living cells. You and I are made up of living cells, and our cells can be expected to react adversely to those chemicals.

Adding to the problem is that we have no idea of the effects of the combination of chemicals, the so-called cocktail, which in scientific language is the synergistic effect of these chemicals.

We are forced by society to move away from the concept of pollution control. We are forced to think in terms of resource management. If scientists could provide a magic pill or antidote to add to drinking water to make it perfectly safe, we would still require this emergency debate. The reason is that we are dealing with the life of the lake itself, if we risk for one moment the life of the waters themselves.

We really appreciate the value of the lakes as a source of food, as a source of recreation, as a source of processed waters. We appreciate that the Great Lakes have given rise to the Ontario population, to our climate, to our economy, in fact, to the very life of Ontario. Are we to show our gratitude by poisoning the lakes themselves?

The great reforms of administrations in the United States and Canada after the Great Depression of the 1930s brought unparalleled prosperity to North America and to the world in the 1950s, 1960s and 1970s. Today we find these reforms under assault from the forces of the political right. They say, "Leave business to business."

Mr. Speaker, the governments in Ottawa, Toronto and Washington may be willing to do that. We in the opposition are not prepared to accept the consequences of these actions. We call on you to allow this very important emergency debate.

The Ministry of the Environment should establish an action plan for Lake Ontario that will lead to the removal of toxic waste from the Niagara River dump sites, upgrade the sewage and water filtration systems of Ontario and

increase the monitoring of the growing plumes of toxics in Lake Ontario.

Mr. Charlton: Mr. Speaker, I rise on behalf of our caucus to support this motion asking for an emergency debate this afternoon on this very crucial issue. I think the statement by the minister this afternoon and his response to questions about that statement clearly indicate why there is a need for this emergency debate.

In his statement, the minister clearly continues to take the position that because drinking water as we know it today is theoretically safe, the growing dangers of chemical contamination from the American side of the Niagara River do not endanger our drinking water for the future.

One of the things the minister's statement clearly indicates is that the vast majority of Ontario's municipalities have water filtration systems through which many of these chemicals can pass. Those filtration systems do not remove those chemicals totally. Although the minister's testing this fall indicates very minute quantities of six chemicals in treated drinking water, there is the potential, as the volumes and concentrations of those chemicals increase in the lake, that the concentrations that are getting through the drinking water filtration plants will also increase.

We have a couple of pilot projects under way in this province to deal with this, but the technology to protect the vast majority of the four million or 4.5 million Ontario residents who depend on Lake Ontario for their drinking water is some years away from being in place.

It is obvious that the minister does not fully understand what happened before his assumption of the role of Minister of the Environment. Between 1977 and 1982 we repeatedly listened to his predecessor and his predecessor's predecessor talk to us in this House, when asked about the need to intervene in New York state to protect Canadians and Ontarians, about diplomatic protocol.

We heard the same things from the federal government and up until the present minister assumed office, we had had no formal interventions by this government in these particular issues around contamination of the Niagara River by chemicals. We can argue in this House about the one formal intervention we have had concerning S area, but whether it was a good intervention or a failure, that one intervention obviously is not enough.

The minister talks about a number of initiatives the government is prepared to take, including looking at the Superfund and whether

there are ways of speeding up the expenditure of that money.

I suggest one of the reasons we have an emergency here today is the reports we have had released in the last two days and the actions taken by this government, and I must admit it has started to take some action; whether it has been appropriate or not is another question, to date it has not been sufficient to resolve the problems.

3:40 p.m.

The chemicals continue to contaminate and to leak into the river and ultimately into Lake Ontario. We must proceed beyond the actions this government has been willing to take up to this point. We have to throw aside this notion that we have to be careful how we proceed and that we have to look to diplomatic protocol.

It is getting to the stage where if we do not take action soon to stop the problem from continuing to grow, we are going to be beyond the point of no return. The report is significant in pointing that out to us. The damage that can be done may be irreparable and we have to stop it before that happens. This is why we have an emergency here this afternoon.

In his response to me, the minister admitted his comments about the drinking water being safe, even with those six chemicals in that drinking water after treatment, are only true in relation to each of those chemicals in isolation and have no relevance at all to the potential of those six in combination.

Mr. Speaker: Order. The Minister of the Environment.

Hon. Mr. Brandt: Mr. Speaker, I welcome this opportunity to participate in the debate. I have listened very carefully, and quietly I might add, to the comments made by my opposition critics.

In the House today I tabled information indicating the safety of the drinking water supply we have in Ontario. I thought it was a very significant report and very significant information. Although I admit there are some problems, those that relate to drinking water supplies in this province are under control as a direct result of the very sophisticated state-of-the-art treatment we have for drinking water in Ontario.

As I listened to the comments of the opposition critics earlier, it seemed quite appropriate for them to pack overnight suitcases and drive to Albany, New York, to camp on the steps of the legislature there. They could carry out this discussion in another jurisdiction, because virtually every comment made was almost specifically directed in all instances at problems in that other

jurisdiction, not only what was said in the five or 10 minutes we have heard from the opposition critics, but also earlier in question period.

These problems are not going to be rectified or corrected or in some way solved as a result of a debate of whatever length in this assembly. I wish they could be. The question raised about the synergistic effects of the so-called chemical cocktail is not going to be resolved in this House. Again, I wish it could be. Based on the best evidence the scientific community and the world health community can provide for us in terms of determining what the standard and the quality of water should be in this province, we are meeting all the criteria.

The reality is that not only have we based the findings of our report on the standards that have been established and accepted on a worldwide basis, but also we have gone beyond that. The member for Niagara Falls should be very confident about the kind of information we are providing to him and to his community. It indicates we are doing our job on this side of the House. I do not say that in a partisan way. I say it only as a result of the concerns I share with the members.

I want to give this House an undertaking and a commitment. I will do everything within my power, with the co-operation of my colleagues in cabinet and in caucus, to intervene as directly as we possibly can in the situation in New York state and to attempt to get a cleanup of the landfill sites as quickly as is physically possible.

For the first time in the history of this province, we have intervened directly in the New York circuit courts in an attempt to bring our case directly to the American public, the judge and the Environmental Protection Agency. What we heard from the other side of the House was, "By golly, you hired the wrong firm of lawyers." That was the great input we got from the gentlemen opposite.

It is simply not adequate. When they are dealing with serious questions and issues of the magnitude and potential impact these landfill sites have, I am afraid they have to come up with a more intelligent and more responsive kind of action than simply to suggest the lawyer was the wrong one to hire.

We have spent very large sums of money to defend the interests of Ontario and we are going to continue to do that. We are going to give the people of Ontario continued assurance that their drinking water quality is second to none in the world, or I will stand up in this House and report

whatever information there is to the contrary, if and when that develops.

I am happy to say that until now we have not had that problem. I can give the House the assurance that we are looking after the environmental affairs of this province. We are intervening on the landfill sites. We do have safe, pure, healthy drinking water and we are going to make sure that will continue to be the case for the long-term future of this province.

Mr. Nixon: I hope the minister is right.

Mr. Elston: The minister is mixing cocktails and making us drink them.

Mr. Speaker: Now it is my turn. I have listened carefully and attentively to the points put forward—

Mr. Elston: He has the yellow book.

Mr. Speaker: Yes. I was confirming my—

Mr. Martel: Decision.

Mr. Speaker: —position. I have not made a decision yet. To cut a long story short, I will put the question to the House, because it does fall within the criteria of the standing order, shall the debate proceed?

4:12 p.m.

The House divided on whether the debate should proceed, which was negated on the following vote:

Ayes

Allen, Bradley, Breaugh, Bryden, Charlton, Conway, Cooke, Edighoffer, Elston, Epp, Foulds, Grande, Kerrio, Lupusella, Mancini, Martel, McClellan, McGuigan, Miller, G. I., Newman, Nixon, O'Neil, Peterson, Philip, Reed, Ruprecht, Ruston, Sargent, Spensieri, Swart, Wildman, Worton, Wrye.

Nays

Andrewes, Barlow, Brandt, Cousens, Cureatz, Dean, Drea, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Harris, Havrot, Henderson, Hennessy, Johnson, J. M., Jones, Kells, Kennedy, Kerr, Kolyn, Lane, Leluk, MacQuarrie, McCaffrey, McCague, McEwen, McLean;

McNeil, Norton, Piché, Pollock, Robinson, Rotenberg, Runciman, Scrivener, Shymko, Stephenson, B. M., Sterling, Stevenson, K. R., Treleaven, Villeneuve, Walker, Watson, Wells, Williams, Wiseman, Yakabuski.

Ayes 33; nays 50.

ORDERS OF THE DAY

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK AMENDMENT ACT

Mr. Rotenberg moved, on behalf of Hon. Mr. Bennett, third reading of Bill 89, An Act to amend the Regional Municipality of Haldimand-Norfolk Act.

Mr. G. I. Miller: Mr. Speaker, I rise to make a clarification as far as Bill 89 is concerned. The various hydro commissions have expressed their concern over the way the bill reads, in that it will come into effect in the first part of January. They feel they need more time to adjust to it. From discussions with the member who is piloting through the legislation, the indications are they will be given that time.

Mr. Speaker: If I may interrupt, would you resume your seat for a moment. I ask all those members who are carrying on private conversations to do so elsewhere please. I find it very difficult to hear the honourable member's remarks.

Mr. G. I. Miller: The hydroelectric commission in Simcoe would like to have until September 30 to make arrangements with Ontario Hydro to take over its portion of the lines now owned by Ontario Hydro. They feel they need that length of time to put things in order.

I would like to have the parliamentary assistant to the Ministry of Energy indicate whether this is agreeable. If so, it should be agreeable with the commission as far as Haldimand-Norfolk is concerned.

Mr. Nixon: Mr. Speaker, since there was some indication when the bill had second reading that it was being hurried through the House, there is also a matter of some concern that representatives of the municipalities were not able to come in to committee to express their views on the matter. The government worked on the bill quite a long time, but was not very keen to carry it. The information we had was that if it were necessary for the bill to go to committee, the government would not bother proceeding with it at this time but would hold it over until 1985.

There was some clear indication that at least some of the municipalities directly affected would benefit from the passage of the bill in 1984. For that reason, as House leader on this side I feel it should proceed rather than undergo a further delay. I hope the bill will have third reading and go forward.

4:20 p.m.

I have a concern that the whole concept of regional government in the area has been shown through this experimental period to be something less than productive, and this larger service area organization has a lot to do with regional government.

In that regard, I am a little unwilling or reluctant since, as I say, the experiment has been such a serious failure. However, for the benefit of those constituents who would have the advantage of lower Hydro rates in the near term, I believe the House should now read the bill a third time.

Hon. Mr. Andrewes: Mr. Speaker, I have a brief comment, because there are probably some legitimate concerns in the Haldimand-Norfolk area with respect to this bill.

I appreciate the comments of the House leader of the Liberal Party in supporting third reading of the bill. I quite agree that there are some fundamental reasons why the bill should have third reading. There are municipalities that are quite prepared to go ahead to restructure their utilities and time is of the essence in that regard.

However, with respect to the comments of the member for Haldimand-Norfolk (Mr. G. I. Miller), we are not insisting that the utilities in the area meet a deadline of January 1. If they require additional time to address their various concerns, that time can be accorded them. If they wish to replace commissioners or to get new commissioners in place by that time, that is their prerogative. We are not going to come down with a heavy hand on January 1.

With that kind of note of caution and an understanding from within our own ministry in dealing with these utilities, I hope some of the fears of these municipalities can be allayed.

Motion agreed to.

THIRD READINGS

(continued)

Bill 102, An Act respecting the Sale of Lands for Arrears of Municipal Taxes;

Bill 132, An Act to amend the City of Sudbury Hydro-Electric Service Act;

Bill 135, An Act to amend the Ontario Unconditional Grants Act.

ELECTION ACT

Hon. Mr. Wells moved second reading of Bill 17, An Act to revise the Election Act.

Hon. Mr. Wells: Mr. Speaker, in moving second reading of this bill, which has been on Orders and Notices for a while and which has

been printed since March 29, I am happy to take part in this debate. I will begin by offering a few remarks on this very important piece of legislation.

The review of an election act gives all of us in this House an opportunity to review what elections are all about. Because free elections are the cornerstone of our parliamentary democracy, I believe I should use this opportunity to review in some detail the philosophy and processes embodied in the bill we are considering.

This will be the first substantial amendment to our Election Act since the present legislation was passed in 1969. This act draws upon the experience of the past 15 years in attempting to adjust to the contemporary environment in which we find ourselves. In doing so, we will also preserve many of the traditional and time-tested election procedures that have served us so well in Ontario over the past years.

Mr. Mancini: Served whom?

Hon. Mr. Wells: All of us. They have served all of us very well over the past years.

Underlying everything in this bill is the commitment that government exists only by the will of the people and that our citizens must be unhindered in expressing this will through a secure, accessible and easily understood electoral process. For this reason, this new act broadens both the physical and procedural access of citizens to the polls.

Election day in Ontario under this revised act continues to be Thursday. The bill provides for a common time for polling between 9 a.m. and 8 p.m., local time, year-round, except in the districts of Kenora and Rainy River, which are in the central time zone; polls there will be open from 8 a.m. until 7 p.m., central time. The effect of this change is that no poll will open sooner or close later than any other poll in Ontario.

In Bill 17, the minimum time period between the issuance of the writs and polling day is reduced from 37 days to 30 days. In response to many requests and considerations, we decided to revert to the 37-day period in the present Election Act for that period before November and after April, making a uniform 37-day period, rather than moving to 30 days as suggested in this bill. In committee, I propose to introduce an amendment to make that change, which I have shared with my friends on the other side.

In this bill we would remove the 44-day period in effect for the winter months. I suppose that was a carryover from the days when modern communications and a very effective postal system were not in effect.

Mr. Ruston: We had a better post office then.

Hon. Mr. Wells: It was a lot cheaper to send the mail.

Mr. Ruston: No, not a bit; 32 cents now is the same as five cents back then. It is all relative.

Hon. Mr. Wells: It is 32 cents, and in those days it was three cents. What we are paying for now is three cents for delivery and 29 cents for storage.

That amendment will be forthcoming when we deal with this bill in committee. It will provide for a uniform period of 37 days, but nomination day will remain 14 days before polling day.

There are three significant changes in the nomination process in this bill: a reduction from 100 to 25 in the number of signatures required for nomination, the requirement for the first time of a deposit of \$200 and the requirement of a statement of having filed or an undertaking to file for registration with the Commission on Election Contributions and Expenses from each candidate.

The most important changes in this bill are designed to better accommodate the electors and remove any barriers that could deter them from exercising their franchise. Enumerators will be required to make three visits before leaving a notice envelope at the residence, and provision is made to add names to the voters' list until the day before polling day. In rural ridings, the historic right of election day vouching will be continued.

We are proposing to add Thursday to the Saturday and Monday prior to election day for broadly situated advance polls. As a further convenience, six additional days of polling before election day will be held in the premises of the returning officer on the 12th, 10th, ninth, eighth, sixth and second days before election day.

4:30 p.m.

In addition, this bill broadens the category of those who may act for the voter at the revision of the rolls; for example, a teen-aged child may ask to have a parent's name added.

The bill also extends the right of designating a proxy to an elector who is away from the riding on business during the polling period. As a precaution, however, one person may be a voting proxy for no more than two electors, and there are specific penalties for any corruption connected with proxy voting.

Returning officers will be required to seek out polling locations with access for the disabled. Polling officials will be authorized to move the ballot box to help the elderly or the disabled; for

example, they could carry the box to the door if the voter could not come inside the polling station. Municipalities and school boards, along with landlords of premises of more than 100 dwelling units, will be required by law to make polling space available at the request of the returning officer.

Finally, the grounds for a judicial recount are being restricted solely to determine who is the winning candidate. Recounts were considered in recent years to determine second or third place in order to establish entitlements for rebates or status in subsequent elections.

A further change removes the term "British subject" as a voter qualification after July 1, 1986, when we will use terminology similar to the federal and most provincial election acts; that is, "Canadian citizenship." The residence requirement is changed from 12 months' to six months' residence in the province at the same time as the change in voter qualification from British subject to Canadian citizenship takes effect. There are, of course, a great many changes of an administrative nature, all of which are based on our experiences of recent elections.

While this legislation is of necessity introduced by us as a government bill, in reality it belongs to all of us in this House. I would like to acknowledge, as I did when I introduced this bill, and thank the initiative of the former chief election officer, who sits before us as Clerk of the House, and the present chief election officer, Warren Bailie, who provided much of the basis and the detail of this bill over the past two or three years.

The legislation we are debating today affects members directly. It affects us all very directly as the means by which we come to serve in this Legislature. However, the election process is for all and affects all citizens, even though it affects us directly. It is one of the most cherished and zealously guarded rights of our democratic society: the right to elect our fellow men to represent us in a legislative assembly. Together, we have a direct responsibility for the administration of this right and for the ability to be sure it is administered and directed properly and fairly.

Therefore, I am happy to begin this debate today. I invite all members to scrutinize this bill. I welcome any suggestions from members of this House, from any of their associates and from those concerned with the way elections are conducted in this province. Through this process, we can make the process better.

In facilitating our discussion of this bill, I am going to recommend that it go out to committee

so we can have a detailed look at each of the sections. As I say, I welcome suggestions from all the members because we have worked with this process. I am sure that together we can develop an excellent Election Act for this province and that the bill we are presenting today provides the cornerstone and basis for that process.

Mr. Nixon: Mr. Speaker, I believe the province has been well served by our election legislation in the past. I cannot recall a time when there was any serious criticism of the election procedures or any significant consideration that all was not well in the taking and counting of the ballot.

If one looks at the history of the province, in the very old days there were always controverted elections from specific constituencies at each election time and the new Legislature, when elected, often had to spend a good deal of its time settling those controversies through a procedures and elections committee. In my years in the Legislature, it has been very rare that any matter of that nature has surfaced, and upon examination any criticism was usually seen to be without foundation. We are starting off well with this new act, basing it on administrative procedures and statutes as well as on regulations that have been proved workable.

There may be many reasons, which I might explain to you, Mr. Speaker, if you were interested, why the opposition has not had the responsibility of government for these past few years, but the Election Act itself is not one that I can rest on.

There are some specific things in the bill that I find of great interest and a couple of things that we in this party are critical of.

One thing I want to deal with is the number of days available for a campaign. We welcome the announcement from the government House leader, the Minister of Intergovernmental Affairs (Mr. Wells), that he is going to introduce an amendment to the legislation restoring the period of the election campaign from 30 days, as in the wording of bill whose second reading he has just moved, to 37 days. We intend to support that.

However, my colleagues and I feel that 44 days for the winter months is not an anachronism. In fact, it is an additional period of time that can be useful in the democratic process in a jurisdiction like Ontario, which in the winter months does suffer from some diminution of the ability of the candidates to move around readily and communicate with the electorate.

I myself was elected in a winter by-election. The writs were issued a little later in the winter than this, back in 1961, and the by-election itself was held on January 18, 1962. It is interesting to note that there were five by-elections, and they were called by the newly elected leader of the Progressive Conservative Party, the newly sworn-in Premier, John Robarts. It meant the new Premier was somewhat off balance when the first thing he had to do was to go out and fight five by-elections. It might be interesting for members to recall that he almost lost all five; if there had been any justice he would have. But in fact he won two by the narrowest margins, and the official opposition as it was then, our party, won three, and I was fortunate to be one of the elected members.

I was thinking of that when the present Premier (Mr. Davis) announced five by-elections at this time of year. I had a feeling that part of the thought that projected the decision to have the by-elections now, rather than to hold them over for when there would be one or two or perhaps more additional by-elections, was that he did not want to leave his successor with the necessity of either having a general election, which might be a course of action to be considered, or having by-elections if it were not convenient for some reason, obvious or otherwise, to have a general election.

In a wintertime election, even in a southern Ontario constituency such as Brant-Oxford-Norfolk—or, as it then was, Brant—the snowdrifts are mighty high and the roads are often closed. The hours for going out, knocking on doors and meeting constituents are obviously restricted because of the short hours of daylight.

It seems not irrational to us to keep the extra period of time for wintertime elections. For one thing, they are very rare indeed. We have all experienced one; the most recent one was within that period of time. But they are generally not the regular rule of politics in Ontario, where elections are usually held in June, September or early October, much more convenient times for the campaigners and, much more important obviously, for the electorate itself.

We intend to move an amendment, and we will be glad to give copies of it to interested members, that would restore the 44 days for a wintertime campaign. I ask other members of the House, in the other parties particularly, to give positive consideration to it.

I have a number of points here, not necessarily in order of importance, that I want to bring to the attention of the House. I am not referring to

specific sections of the bill; they just came to mind as I perused it.

4:40 p.m.

There is an interesting discussion about the polling day itself. I have even had a personal discussion with that fount of all electoral wisdom who sits in the big chair at the head of the big table. Our present Clerk of the House explained to me clearly why it was irrational to consider any other day than Thursday. I would really like him to recite the matter to us. When the bill goes to committee, it might be worthwhile to ask Mr. Lewis to attend, simply to give us the benefit of his experience.

In this one, small, footling instance, I do not agree with him entirely. My psychological approach to politics finds Monday to be a more appropriate election day. Maybe it is because, as a Liberal, prayer is an important component in my campaign. Like certain Windsor politicians, I expect to go to five or six churches on the previous Sunday to help my chances on Monday. Frankly, it lets the political cauldron, which has been at a full boil, go back to a simmer before people go to the polls. Perhaps psychologically, rather than for any other reason, Monday appeals to me.

One of the reasons against Monday as an election day is that so many people are away at their cottages or away on a weekend holiday and do not get back in time to vote on Monday. I cannot help but feel that reason is based on people with a slightly different work schedule than that most of the people in Ontario. It is well taken that both Friday and Monday are involved in weekend activities, but I suggest perhaps we ought to consider Monday as a more appropriate day for an election.

In the information generously provided by the Minister of Intergovernmental Affairs the various provinces have different days. Newfoundland, which, by the way, has a campaign period of only 22 clear days, three weeks, usually votes on a Tuesday. I think the point we should consider there is that Newfoundland does not have an enumeration as we do. They have a continuing enumeration based on the municipal enumeration, which is operated at the provincial level. They have a voters' list always at the ready.

British Columbia has no enumeration either. They have 27 clear days of campaigning and their election is on a Tuesday or a Thursday. Alberta has no enumeration and it has 27 clear days. They have voted seven times on Thursday, five times

on Monday and five times on Tuesday. Obviously, this report is going to take me a moment.

New Brunswick has 33 clear days for an election and votes on Monday. Manitoba votes on Tuesday. Saskatchewan has no set day and it is left to the order of His Honour to determine election day. Nova Scotia votes on Tuesday and Ontario on Thursday. Quebec, which, by the way, also has no enumeration, votes on Monday in spite of good advice it has been given over the years that Thursday is the only day it should have an election. I understand Quebec now has a new procedure where it does have enumeration and it has 47 clear days in all its election campaigns. Federally Canada votes on a Monday and we have 48 clear days for the campaign.

From my point of view, I would like some further consideration given to the polling date, and my pick would be Monday.

In his introduction to the bill, the minister very properly pointed with pride to the provision of additional advanced poll facilities. They are at the returning office itself and there are six days set out in the act during which any registered elector may go to the returning office and take part in the election by casting a vote.

In the federal election just past, the federal law allowed electors to go to the returning office any day after the ballots were ready. Rather than picking the 2nd, the 5th, the 9th and so on, which would be somewhat confusing, they simply said that after a specific date that would be advertised, anybody who could not go and vote at either the regular advance poll or the regular poll itself could go to the returning office and vote.

One of the things I did not like about that is they had to give a reason for so doing. I do not think that makes much sense. When we have to involve the electors in giving reasons or providing medical certificates such as for proxies, we are making it unnecessarily involved and complicated, and we are providing in some sense a deterrent to taking part in the electoral process. The main aim, as has been put forward by the minister himself and others expert in these matters, is to involve as many of the people as we possibly can in the democratic process.

Other jurisdictions, as the members know, have compulsory voting. I was fortunate to visit the Soviet Union in March 1984 just a few days after their election. It was really quite amazing that they were able to achieve an electoral participation of about 99.9 per cent. It is further amazing that of the elected members of the Supreme Soviet, there have been nothing but unanimous votes since 1923. Perhaps there are

some tricks of politics that remain unrevealed in our system here.

However, if we do not spend a lot of time considering that jurisdiction or any of the centrally planned jurisdictions, we could look at Australia where they have compulsory voting. I do not like the idea myself. It is up to us as people participating in the democratic process to see that the people in our own communities get out and vote.

Still, with our best attempts and efforts, and with the most interesting campaigns that we can possibly contemplate, the level of participation is often between 50 per cent and 60 per cent. On rare occasions, it goes up towards 70 per cent when there is a special matter of concern and interest in a constituency.

Perhaps we might stimulate interest a little if we put a nice big box of free Ontario road maps beside the returning officer or the deputy returning officer and handed one out to each person who voted, or had some of the good Ontario wine that is selling a little slowly. I do not think we ought to give a quid pro quo for doing democratic duty—

Interjection.

Mr. Nixon: Any of those things might be all right. It was the Tories in Prince Edward Island who were charged with fiddling around with strong drink in trying to persuade people to vote for their party. It was justice from on high that their candidate was defeated. Mr. Speaker, I am sure you agree.

As far as the advance poll is concerned, I suggest that when we come to that section, we might well amend it so it is possible to vote at the returning officer's constituency office any time after a specific time when the ballots are ready. They did that federally and our experience was that it worked very well. I suggest that for electors who want to make use of any of these advance poll facilities or of the proxy, it not be necessary that they have to require some special reason set up under law for using those additional facilities. We are well past that.

The next point I want to refer to briefly is the method of vouching in rural polling subdivisions. That is a benefit that rural electors value highly. I really do believe that most of us from rural areas are more honest and for that reason it is okay. However, as a sop to our urban friends, I think we should simply take out the adjective "rural" and allow people to be vouched in an appropriate way in any polling subdivision.

I do not think that opens up the system to any more abuse than is possible in some areas now.

We are well educated in the importance of a squeaky clean electoral procedure and we ought to consider doing that. I would like to discuss that in committee and I hope for some support from some of the urban members who might consider amending the bill in that way.

4:50 p.m.

There is a section that says judges should not vote. When I pursued this with the former chief electoral officer, he indicated at one time that we should remove that prohibition. The judges, being special people, were quick to hasten to the chief law officer of the crown and persuade him they were special and should not get themselves all nastied up by participating in the democratic process. I will not add a footnote about how they got their jobs in the first place.

I personally think the electoral process is extended to everyone under the Canadian Charter of Rights and Freedoms and our Constitution and that we should remove the prohibition against judges voting. If they do not want to vote, if they want to put an ad in the paper and say they are well above this, I suppose they can do so, but I think everyone who is not incarcerated ought to have the opportunity to vote; I do not mind that prohibition continuing.

The next thing I have written on my rather lengthy list of subjects has to do with the designation of a party affiliation for a candidate.

Once again, I believe our main effort here is to make the election as interesting and useful as possible to the whole electorate. Believe it or not, there are many occasions on which people who should be voting say, "I do not know any of the candidates and, therefore, I am not prepared to vote." They are afraid they will go in, be presented with a ballot, look at a bunch of names—two, three, four or more—and not know any of them.

I cannot imagine there is anyone in Ontario who does not at least have an impression of the three main political parties or other political parties. I believe their participation in the electoral process would be more useful and knowledgeable if there was an indication of party affiliation. This is done federally and I do not see why we cannot do it in Ontario. Some participants may not be anxious to have their party affiliation known, but I believe it would be in the best interests of the procedure.

The next point I want to make has to do with a procedure on which you, Mr. Speaker, perhaps can assist me. It seems to me that after the enumeration is completed in some federal elections, among the duties of the returning

officer is to send out a card by mail to every person named on the voters' list indicating the person is on the list and where that person votes.

I think that is a good idea and should be done by the returning officer, who is provided with a budget to get as much assistance as needed. I think it should be done.

Whenever an election campaign is in full swing, there are people who are concerned about whether they are on the voters' list. We still miss quite a number of people. I would like to establish as one of the duties of the returning officer the requirement that electors be informed by mail with a card that can be set up on the tray rail—or wherever one keeps important cards, perhaps beside the telephone—telling them where and when to vote and assuring them they have the right to do so.

I was also interested that in preparing our legislation, the government has decided a \$200 fee would be necessary to accompany the 25 names for nomination. As I understand it, at the present time 100 names are required. Was it ever 200? No, it was 100.

Getting 100 names is a little daunting. There is no doubt about that, yet most people who are going forward in an election campaign are quite prepared to go out to get the names from their fellow citizens. The \$200 is a deterrent that I am not sure is necessary. I do not feel strongly either way because I think that if a person gets 100 verifiable names on a nomination paper, that is probably sufficient indication of the individual's standing in the community.

If 100 people are prepared to affix their signatures to a formal and legal document of this type, then one is probably going to restrict the election, by way of candidates, to people who have some position in the community that is recognizable. I am not sure that replacing this requirement with the need to find \$200 is in the best interests of what we all hope to do.

This is the end of the list, you will be glad to know, Mr. Speaker, but they are matters that do interest me.

I simply say again, and I suppose I echo what the Minister of Intergovernmental Affairs has said, that our election law and our election procedure have served the community well. I believe we can improve them as long as we maintain certain safeguards, which I believe are in the bill in its present form, and do everything we can to make the electoral process convenient and useful for all the people in the province.

I look forward to the committee discussions, when certain amendments can be brought for-

ward. I believe that the legislation, which will return to this House perhaps before we adjourn for Christmas, will be good legislation indeed, and I cannot wait to use it.

Mr. Breagh: Mr. Speaker, I am pleased to participate in the second reading debate on Bill 17.

Quite frankly, this is an unusual piece of legislation, and I do not think we are going to be splitting up all over the place on party lines on it. The Election Act is a rather different piece of legislation for the members here, for example, because this is how the process works from our point of view. For each and every member of the Legislature it is a very important piece of legislation. It is the mechanics of how the election is conducted.

Many of us are also political junkies as well, so from the point of view of being involved in political parties and being interested in how campaigns are run, even other people's campaigns, we have, like a number of other people, a professional interest, so to speak, in an act such as this.

I expect that at the hearings at least the major political parties will be making representations.

Mr. Nixon: No, I think only one.

Mr. Breagh: I know ours will and I imagine that others will. I would imagine, even though I said "major political parties," that even the Liberal Party may make a presentation. You never know.

In an odd way I think that those who have a professional interest or a self-interest in the bill will have been aware that it has been printed for some time now. As a matter of fact, I recall that we caucused on this bill back in April. Of course, there has been a bit of change, which removes one of our major objections to the legislation.

We will oppose the bill on second reading, and I want to outline a couple of concerns that I have. It fair to say we could probably get 125 ideas of how the Election Act should be written out of the Legislature itself. If we extrapolated that into the political parties we could probably come up with 2,000 or 3,000 pieces of law on how each individual who has ever been involved in an election in whatever capacity thinks it ought to be put together, so it is a bit of a consensus-building exercise that we are about.

One of my concerns has been that although the bill has been printed for some time, I am not sure the other group of folks who also have some slight interest in an election act have much knowledge it is around and that group is the

electorate out there. There has not exactly been front-page news coverage of the act itself.

The act provides for what might be termed a disfranchising of some of our citizens. I am not sure they are aware that in July 1986 a group of people who have probably been fiercely interested in the electoral process will no longer have a franchise unless they do some things between now and then. They are people who fall into the category of British subjects.

As one who has been involved in the practical side of election campaigns as well as having been a candidate, I know there is some difficulty keeping that list up to date—countries change their names, etc.—so there is a practical problem that has to be resolved. The government has responded in the bill by saying, "We will postpone it for a while."

5 p.m.

However, it is already December 1984. I am not sure very many people know about that provision in the act, but I am sure they will find out about it at the next enumeration and will be very angry. I know on the streets of Oshawa they will be saying to me: "Why did I not know this was going on? I did not see it in the paper."

One of my concerns is with that whole other group of people, never mind the pros and those who have a vested interest in the Election Act; in fact, everybody else in this province has a vested interest in it as well. I am not sure they have had much of an opportunity to be aware of it or to do anything about it.

It would be my wish that some effort be made to involve the public, or at least to provide them with an opportunity perhaps to make a written submission or, for some of them, to make representation as a group to the committee. They can do that if it goes out to committee, as I understand it will.

I would like to make sure it is a practical reality as well as a theoretical reality. In other words, we could decide we will hold committee stage this next Tuesday, Wednesday or Thursday. However, I am not too sure the world watches the Legislature of Ontario with such great intensity that people will be aware the bill has gone out to a place in this building where they might actually be invited to speak.

I have some concerns that the electorate at large will not have exactly a full-tilt opportunity to make representations to the members of the Legislature who deal with the bill in committee. I think it reasonable at this stage to say the pros have had their chance to look at it and are

prepared to proceed with it and probably in short order.

I am not personally anticipating a lengthy debate on second reading because it really forces one to go all over the map. We are talking about how to provide access for the handicapped, when elections are held and how long the periods are.

I want to get some of my concerns and the concerns of my party on the record because we oppose the bill in its present form. First, the move was made to shorten the election period. Even though an amendment has been proposed, as printed, it still remains a shorter electoral period than we now have.

Quite frankly, my concern is that one can talk about electronic campaigning and all of that and make a reasonable argument in many parts of the world that a campaign period does not have to be more than two or three weeks or 25 or 37 days. However, I think the reality of the province in which we live is that it is not always possible. There are some factors here which make it very difficult.

As a campaigner myself and as an elected member, I would sometimes opt for a three-day campaign, get it over with, go for a walk, have the election, and that is it.

Mr. Nixon: Terry Kelly is going to run against the member for Oshawa next time.

Mr. Breagh: We are not worried about that.

As incumbents most members of the Legislature would probably understand that for us a shorter campaign period is rather attractive. We have the advantage of being incumbents. The shorter the campaign period, the better.

The matter of convenience for the members is not the pertinent point here. The pertinent matter for consideration is, in how many days can we reasonably put together an election process that is suitable for all of Ontario? This is a bit difficult.

There are a couple of points here that bother me a little. The proposal goes after the notion of how to get rid of what are now being called frivolous candidates. It proposes to put a deposit scheme at work, in addition to having nomination papers signed by a group of people. In Oshawa if one is a Liberal, one is frivolous by definition.

This is not a great ideological thing on my part, but I am not convinced a deposit system is particularly the correct way to do that; nor am I convinced that people who might be considered fringe candidates do not have a right in a democracy to put themselves forward. I remain convinced the Rhinoceros Party has it over the Liberal Party in terms of coherence and common

sense. However, I am not at all convinced they are such a difficulty to the democratic process that they ought to be discouraged or done away with. Therefore, I have that problem.

As the member for Brant-Oxford-Norfolk (Mr. Nixon) said, the bill continues the provision for vouching. I have never really been able to understand why there is that provision. It is fundamental to exercising a franchise. I do not understand how someone in an urban environment has less status at the polling booth than someone in a rural environment. I am familiar with the arguments that in rural Ontario we all know who everybody is, so that is a practical application.

Mr. Nixon: We are basically more honest.

Mr. Breagh: I am not sure it has anything to do with honesty. It has something to do with our traditions. I have worked on elections recently where people went to the polling station under the impression they had a legal right to vote, and they would have had if the enumerators had done their job properly.

It is difficult to explain to those folks at the polling station why they did not get on the enumeration list. One can make long and involved arguments about the provisions to get on the list and how many times one may appeal and all of that, but on election day when Canadian citizens think they have a legal right to vote and someone says to them, "But you are not on the list," it gets a little hot and heavy.

I propose we attempt to deal with that as we go through clause-by-clause consideration. I would be happy to look at what amendments might be put forward about the vouching system. I am not convinced it is the best way, but we can work out something to resolve the unusual situation of people in rural constituencies having the ability to do something that most of my constituents do not. Oddly, I have about three farmers in my constituency. Constituencies around me are partially urban and partially rural. Some of the people in a riding have this vouching privilege and some do not. At the very least we have to provide some reasonably common standard.

I want to talk about the provision for British subjects and how quickly they become Canadian citizens. A good theoretical argument the Legislature has heard on more than one occasion is that a common standard should be struck for the right to vote in Canada. It is pretty clear in the literature that Canadian citizenship will be the common standard. The trend is away from continuing the traditional practice of giving British subjects the right to vote.

I will not make a fervent argument about that, but some practical problems are coming in the way. I notice in a newspaper report that one of the things good old Mr. Wilson in Ottawa has done is indicate it will cost more money to become a Canadian citizen. It has gone from something in the order of \$15 to \$40. I do not want to get dogmatic about it, but if we are changing the rules of the game, this has to become a consideration at least. If there is a family of five or six people who all want to become Canadian citizens, which they must do to have the right to vote, that is an economic penalty of some substance.

Mr. Nixon: Why not a family rate? Like the New Democratic Party.

Mr. Breagh: The member for Brant-Oxford-Norfolk as quick as a whip has suggested the old family rate concept.

I do not know whether family rates or some other method could be used. Some accommodation has to be made for two things. One is making sure a lot of notice is given, more than a year or so. They have made moves in citizenship courts recently to make the process not quite so onerous or difficult. We will have to do a little more of that. We will have to make sure it is practical for anyone who is now a British subject to become a Canadian citizen.

I also want to make sure the citizenship courts are held. They are making great strides in doing that. I have attended several where a Portuguese club, for example, sponsored the citizenship programs. The members had a court date of their own. A Portuguese judge came from Toronto and spoke to them in their language.

We had a great party afterwards, and it was a great thing to do. The club had taken the initiative to get a large number of its members through this process, and it worked very well. I am not sure they would be quite as happy to pay \$40 a clip for it. We will have to consider that at some length.

5:10 p.m.

This is not a partisan bill. It is about the mechanics of an election. Those of us who have worked on elections as candidates, organizers or participants, from one end of this province to the other, all have our favourite stories about election day, enumerations, etc.

In enumerations this summer in Oshawa, a nice, bright red pickup truck made it on the enumeration rolls. A German shepherd dog, whose name escapes me, also made it on the rolls. Several friends of mine were away fishing when the enumerators came around and they did not make it on the rolls. We got quite a few of

them on the enumeration rolls, but we did not know about some because they came back from fishing a bit later than usual.

There are problems that do have to be resolved. I am sure when we go to committee we will regale one another with election stories of various cemeteries that have voted and things of that nature, of telegraphing and all the great skills on election day, of various campaign techniques that have been used in other jurisdictions and here.

We look forward to an opportunity at the committee stage to hear from other groups. Whether we do this before the House rises in December or whether we do this at a later date, which is my personal preference, I hope an attempt will be made to notify the people of Ontario, not just the members and the political parties and not just the people who will be holding some position as polling clerks or returning officers or whatever, but the other people who have some concerns, some self-interest and some stake in the Election Act.

They should at least be given some warning that an Election Act is going to be discussed in a committee of the Ontario Legislature so they can, at the very least, take their little pens in hand and write letters to the standing committee on administration of justice, which will hold the hearings on this. They should at least be notified and have an opportunity to respond in some way. My preference is that some provision should be made so groups other than political parties have a chance to have their say. I know there are some such groups out there.

With those few words, I will note that we are in opposition to the bill on second reading and we look forward to working out a consensus. When we go to committee, I hope we are not bound to all the parties passing out amendments and haggling over the wording of those amendments. I would prefer that we try to work out a process. We have Mr. Lewis here who is available to help us do some drafting. There are a lot of people around who can do that. I hope we can work on a consensus basis, so we can go through the committee stage and work out the difficulties and the technical problems.

Mr. Reed: Mr. Speaker, first of all, I would like to welcome the minister's invitation for constructive suggestions to improve this bill. There is one area of particular concern to me, and that is the move towards Canadian citizenship.

In principle, we support and accept that, but it has been made known to me that there were some problems with it in the recent federal election. I

will just relay to the minister, for his information, one instance that should provide some cause for concern.

It concerns a lady who is a senior citizen herself, who drove two more elderly senior citizens to the polls on the day of the federal election, only to discover and to have them discover, that they were ineligible to vote because they were not Canadian citizens but British subjects. The gentleman involved is 90 years of age this year and his wife is not too many years younger. To all intents and purposes, they have been citizens of this country for many years.

They have served the country in time of war as well as in time of peace. They have done their duty. They have never asked for anything from this country and have never received a handout. Above all, they have minded their own business, gone about the raising of their families and participated in the activities of their community. One could say these senior citizens represent the salt of the earth. They have not become Canadian citizens and did not really know they needed to take out Canadian citizenship to be eligible to vote in the election.

Before we go into committee, I will undertake to communicate a letter I received from a Miss Margaret Russell of the village of Norval concerning this experience and the embarrassment she felt when taking these two elderly senior citizens to the polls to vote, only to be turned away because they were not Canadian citizens.

It seems to me some provision should be made not only in our Election Act with which we are directly concerned, but also in the federal act to allow for this kind of thing. It seems somehow grossly unfair when people serve their country, albeit their adopted country, so long and so well only to find this prohibition.

I have no dispute with the desirability and need for Canadian citizenship as a requirement to vote. I would suggest it certainly should be mandatory. But in the case of senior citizens, surely some kind of grandfathering in the legislation could take place to make a provision so as not unduly to encumber these people.

This couple are so elderly, albeit very much in possession of their faculties, that they will probably never undertake the trouble to go through the process. For a person who is 90 years old, it does become something of a difficulty.

I would suggest with great respect that when I communicate this letter to the minister, he will take it as advisement and undertake to make some provision to allow senior citizens who are

British subjects to continue to have voter eligibility, even though the rest of us from now on will be required to become fully fledged Canadian citizens. I can think of nothing more fair, simply out of consideration.

It would certainly be very much appreciated by quite a large number of our senior citizens if the minister would consider my communication, which I will forward to him, and the words that have been exchanged in this debate this afternoon. These senior citizens are British subjects and have been eligible to vote, but now, by virtue of this legislation, they may be rendered ineligible and may not be capable of going through the process of taking out citizenship.

Ms. Bryden: Mr. Speaker, I am very much in favour of sending this bill out for public hearings. Anything touching the lives of people as much as elections in our democratic system should be the subject of public input on how those elections should be conducted.

5:20 p.m.

I hope we will have quite a bit of input on the question of shortening the election period. I think that can affect the opportunities of new candidates particularly to challenge the incumbents and the opportunities for the different candidates to get their points across to the electorate with sufficient time to use the various means available. If it is too short, it may give an undue advantage to those who can afford large amounts of television time and a disadvantage to those who rely more on public meetings in their ridings and word of mouth at the door.

I am glad the minister is contemplating an amendment that will restore the 37-day period for the elections which are not held in the winter. However, reducing the winter election period of 44 days to 37 is something that should be looked at with more care. We should consult with the chief electoral officers as to whether more time is needed for enumeration in the winter period because of the difficulty of getting around in bad weather.

The enumeration system is still considered the most efficient way of compiling the voters' lists. The only alternative talked about is a permanent voters' list, but we have not moved to that and there are a lot of disadvantages to that as well, particularly in a period when people move frequently and when it is very difficult to keep a permanent list up to date. Given that we are going to continue the enumeration system, we should consider whether 44 days for the winter period is still necessary. I hope that will be the subject of

some public input, as well as input from the chief electoral officers.

Third, I am very concerned about the retention of the 8 a.m. to 7 p.m. period for the central time zone because several of our big cities are in this time zone. In effect, it really disfranchises a great many electors. We have to face the fact the legal requirement that an employer give three or four hours off for voting is honoured in the breach much more than in the enforcement. It is a very difficult law to enforce because employees are not prepared to incur the wrath of their employer by asking for time off on voting day, nor are they prepared to complain after the election that they were refused time off.

Except in the summer when we presumably use the daylight saving time, the 8 a.m. to 7 p.m. law means those employees who work in retail stores, for example, from 9 a.m. to 6 p.m. are effectively disfranchised. They leave for work between 8 a.m. and 9 a.m. and it often takes them at least an hour to travel to work. Then they come home between 6 p.m. and 7 p.m., again often taking an hour to travel from work. When voting is on a Thursday, the situation is compounded because a great many retail stores stay open on Thursday night after 6 p.m., so those employees who carry on into the evening hours are also disfranchised.

Therefore, I would like to see the 12-hour period of 8 a.m. to 8 p.m. made mandatory for all sections of the province. It should be local time, daylight saving time in the summer and standard time in the winter, so employees have 12 full hours between 8 a.m. and 8 p.m. during which to exercise their ballot. That is the only fair way to do it.

I am sure the government will say it will cost more money because it might have to pay a higher fee to returning officers, deputy returning officers and poll clerks; however, in the interests of democracy, it is important to have the polls open when people can get to them. The only alternative, which some European countries adopt, is to have polling on Sundays. We never have considered that very seriously in this country and, unfortunately, even Sundays are now often a day of work for a great many people.

I would urge the 12-hour period from 8 a.m. to 8 p.m. be considered by the government as a possible amendment when the bill goes to the committee stage.

Mr. Sargent: Mr. Speaker, I am pleased to have the chance to speak on second reading of Bill 17, An Act to revise the Election Act. This bill has its good points and its bad points. It is

good for the Progressive Conservatives and it is bad for the Liberals. My riding disappeared. That could be good or bad. Naturally, I am prejudiced. I think of Tallulah Bankhead who at one time wrote as follows to a critic in answer to a very uncomplimentary review of her last appearance: "I am sitting in the smallest room in the house. Your review is in front of me. Soon it will be behind me."

This bill is on that same level. It is pretty crappy stuff. It is nothing but political gerrymandering, a practice whereby the government in power redefines the political boundaries for political advantage.

I am firmly convinced the Progressive Conservative Party is a large body surrounded by men who know what they want. Basically, why would they fool around with this when in western Ontario farmers are in the worst situation in 100 years? The only people fighting for them are Liberals. They look to us totally for help. The government sees an area in which it could gain some seats and feels there are too many Liberals in western Ontario, so it decides it will pass a law under which it can knock off at least two or three seats.

My small input into this debate is that each honourable member who has the job of representing a semi-rural riding such as I do in Grey-Bruce has a large work load.

Mr. Nixon: They do not know the half of it.

Mr. Sargent: They do not know the half of it. The member for Brant-Oxford-Norfolk is right. They have no idea.

What I say does not mean a damn. The members opposite are going to vote for it and make it law anyway. There will be a steamroller effect here. What the government is saying to each member in these ridings in the Grey-Bruce area—the member for Grey (Mr. McKessock), the member for Huron-Bruce (Mr. Elston) and myself—is that one of us in the particular area is going to go. It is saying that two of these fellows are going to have a 50 per cent increase in their work load. The people do not deserve that. The farmers do not deserve that.

One hears of a banana republic in South America having the same government for 40 years. One cannot believe it can happen here, but it does.

Mr. Nixon: It is like a nightmare.

Mr. Sargent: It is like a nightmare. It sure as hell is, and it is not getting any better. The government uses every angle it can to get a member to go across. It buys members out and buys seats and appointments, and now it stoops

so low as to go into a depressed area such as western Ontario where it feels there is a chance to knock off three more guys. I think it is unbecoming to a government that is supposed to have some ethics when this happens to western Ontario. Having said this, I sure hope the members will vote against this bill.

5:30 p.m.

Mr. Kennedy: Mr. Speaker, I just wanted to commend the House leader and the Minister of Intergovernmental Affairs for bringing this forward for debate and discussion by the electorate. I am particularly pleased that section 9 does reduce the period of the election to 30 days.

Mr. Breugh: Now we have both positions over there. This is getting interesting.

Mr. McClellan: He could vote against the amendment.

Mr. Kennedy: I had a resolution, but it is in here. Secondly, the part that provides for wheelchair access is a move I know will be well received. On advance polls—

Mr. Breugh: Elaborate a bit on why they should not shorten the election period.

Mr. Kennedy: No. I am elaborating on the provision for additional advance polls. I think this is very important. I think it was probably the item raised most over the course of the last election. The extension to add more days is very good.

There will still be people who will be away. I do not know how broad one can have it unless there is an election over the whole four years. There are many people who have resided where they reside, who have paid taxes all the years and who do not have an opportunity to vote because they are away when the election is on. This goes a great way to make provision so that many more can vote. It is too bad that everyone cannot, but how far can one go?

With those few comments, I am glad we are now coming forward with this bill. I know it is going to result in an improvement in the democratic process. More people will be able to vote and it will be easier to vote. I think that is very good.

Mr. Bradley: I am going to make a brief contribution to this debate on the Election Act because, as other speakers have indicated, it is one of the most important acts. We want to encourage as many people in our province as possible to cast ballots. I guess all of us are appalled that in the last provincial election fewer than 60 per cent of the people of this province cast ballots.

There are various reasons for that. It could be the politics of anaesthesia, practised by those opposite who attempt to characterize this place as a glorified county council so that the only real place that counts is Ottawa.

Now that we have Progressive Conservative governments in Ottawa and at Queen's Park, I suspect there will be less inclination to pass the blame to Ottawa, although when it comes down to the short strokes, as they say in rowing, it is likely that the provincial government will save its own skin before it attempts to bail out the federal government. However, I want to talk briefly about the bill rather than about the relationship between the federal and provincial governments.

One of the mysteries of the previous legislation has always been that the chief electoral officer in each riding, in that case the returning officer, is not permitted to cast a ballot. It seems to me that individual should not be precluded. That individual has views on the various issues affecting the province. I do not think one should automatically assume that a person's impartiality will be somehow destroyed if he is able to exercise the right to vote. I think that is a progressive step that all returning officers in this province will look forward to.

Initially, I had some concerns about the 37 days.

Mr. Nixon: Thirty days.

Mr. Bradley: The reason I say that is that initially we had a problem with 30 days. We in the official opposition were totally opposed to shortening the campaign to 30 days. I am pleased to see that through our strong opposition and persuasion the government has seen fit to indicate it will be introducing an amendment—

Mr. Nixon: Even the New Democratic Party has come around to our point of view.

Mr. Bradley: —which will bring even the NDP on side in this issue of 37 days. Obviously, the 30 days would favour those of us who are incumbents and since there are more incumbents, at least at this time, on the government side than there are on the opposition side, that favouring of the government side becomes more obvious.

Mr. Nixon: Yes, but they are elderly.

Mr. Bradley: It is also true that government members, generally speaking, would be more aware of when an election is going to be held, in particular those in the Premier's office and in the cabinet, than would those of us on the opposition side and they would already have the advantage of being able to prepare for an election in a more

elaborate fashion than those of us in opposition. Of course, they always have more money as well.

Looking at sections 12, 13 and 14, I am pleased to see we have a movement towards making it easier to vote. I often thought the Ontario Legislature almost went out of its way, and I will blame the government for this, to prevent people from voting. We somehow thought proxies were a problem until, finally, we realized that proxies were reasonable. Now we are making a more flexible timetable for obtaining proxies.

I think these kinds of moves that allow people the opportunity to get on the voters' list fairly late in the game and to vote are positive moves. Some people are not up to staying with the process of elections. They are happy to vote and happy to listen to the issues, but they are not always sure of the mechanics. This will help those who might otherwise be precluded from voting to avoid a situation where they are disenfranchised. I think that is reasonable.

I notice the 17th point in the explanatory notes says: "Landlords of buildings of 100 dwelling units or more, municipalities and school boards must, on the request of a returning officer, make premises under their control available as polling places."

It is most useful and convenient, particularly in apartment buildings, to have space available for a polling place. It encourages very much the use of the kind of buildings that make it easiest for people to vote. We have often found schools are very useful, although I know some principals are concerned that their schools are not made for voting places, that they are not conducive to it. I think, generally speaking, they are quite useful, and municipal offices from time to time can be useful.

I notice we are down to having 25 electors sign nomination papers. That was always silly previously, I thought. There might have been a good reason many years ago, although I cannot figure out what it was, for getting 100 signatures. What often happened was the nomination papers were brought to the nomination meeting of the particular candidate and the people there signed. We ended up getting people who were not necessarily electors in that district and the nomination papers were not set up as nicely as they might be.

In other cases, it was pushed off until the last minute and people on behalf of the candidate were scrambling to get people to sign the nomination papers. Having 25 electors sign is far

more reasonable, but I notice we have a deposit of \$200 now.

Mr. Nixon: Is that a payment or a deposit?

Mr. Bradley: What is our stand on this?

Mr. Nixon: We are very much in favour of it or whatever the member says.

Mr. Bradley: I think in this case, although one does not want to discourage people from running, what happens sometimes is we have frivolous candidates, Bozo the clown and others.

Mr. Nixon: Sometimes he gets elected.

5:40 p.m.

Mr. Bradley: Sometimes those from the established parties in this Legislature are referred to in less than complimentary terms, but at least they are candidates standing for the parties that are recognized in this province. It can happen in a list of candidates that some may have the same name. There may be a Thomas L. Wells, for instance, running in the riding of Scarborough North. We could have rigged up a candidate who is a frivolous candidate who, by some coincidence, has the same name. There are a lot of people in that riding now and there are likely to be a lot of people in that riding on the basis of the boundaries we will be using in the next election. So we could have someone, odd as it sounds, with the name Thomas L. Wells who wants to run just to have a detrimental effect on the present sitting member, and this \$200 deposit might well discourage that person from trying it.

If one of the other parties were putting him up to it, as I am told was the case many years gone by in other jurisdictions, it indeed would be a problem, but I think we can probably live with a \$200 deposit. It is not saying that only the rich can run; it is saying that a person must be reasonably serious about putting his or her name on the ballot.

Mr. Gillies: Make the rich pay.

Mr. Bradley: "Make the rich pay" is what someone said across the floor. I think that was a favourite slogan of certain candidates in the 1979 election. It appears the federal government is moving in that direction at the present time.

I could go on to talk about many provisions of this particular legislation, but since others have had the chance to dwell on those I will not go into them in great detail.

I note in section 6 of the Legislative Assembly Act that after July 1, 1986, British subjects who are not Canadian citizens will not be qualified to sit and vote as members of the assembly. I have often wondered if people know who is defined as a British subject. Someone once said that Idi

Amin would fit the category of a British subject and had he been residing in Ontario at one time he would have been able to vote.

Obviously the government sees that possibility but certainly did not want to incur the wrath of those British subjects who are now in Ontario by making that change earlier, as the former member for Kitchener used to discuss at some length in this House. I think he even used to table some legislation in that regard.

Extending to disabled electors the provision permitting the ballot of an elector who is blind to be marked by a friend is also positive. We are looking at the legislation. I think the Minister of Intergovernmental Affairs, the House Leader of the government, indicated many of these in his opening statement on this. What we are trying to do is to make it more possible for people to exercise their franchise and to vote in elections, and there are disabled people who are in a position of being unable to mark a ballot, not just because of blindness but for other reasons. I think it is a positive step that they should be able to enjoy the same rights others have.

I am disappointed that no provision has been written into the Election Act that government advertising be prohibited during an election campaign that is of 37 days' duration, except in extreme circumstances. Saskatchewan, I understand, has this.

If one watched the media during the last provincial election, one saw a lot of advertisements that had a political connotation. Objective observers have said that.

I have said on many occasions in this House that the government already has the greatest advantage. It has more money as a party than we have; the governing party generally has more money. It has the power to make decisions to drop cheques out of airplanes across the various ridings in the province. It has the power to make announcements of a nonmonetary nature that would enhance the position of the government. It can make statements of some import in the House or, when the House is no longer sitting, in the countryside, statements that, because the government can exercise this power, are of particular significance.

It has a civil service working for it that in some cases, particularly those closest to the ministers, works more in tune with keeping the government in power than with keeping the province rolling. This certainly is not the case throughout the civil service; I think all of us know this and we would all want to concede it, but there are many in the senior levels of civil service who I am sure know

that their jobs rest on certain ministers being returned and they are not about to reveal information that is going to affect them adversely.

I am describing some of the considerable power they have on the other side. In addition, there is advertising. In the last federal campaign, I saw some advertisements that did not do the government much good. These ads conveyed the thought that we are supposed to love Canada. They were designed to make people feel good about Canada. That is similar to what happened in the last provincial election here.

A progressive step, which I would have applauded enthusiastically, would have been if the Minister of Intergovernmental Affairs had included a provision in this legislation to prevent government advertising during the campaign, except for a medical alert or something like that which would be very useful. A lot of the government's advertising is self-serving, self-congratulatory and not of much benefit to the people in this province.

Mr. Nixon: Those people are the biggest advertisers, per capita, of any government in North America.

Mr. Bradley: I am pleased to see changes to the Election Act. I would have liked to have seen a few more.

The member for Essex South (Mr. Mancini) should have some time to speak briefly on this.

Concerning the 44 days in the winter, northern members tend to see that as more of a problem than those in urban municipalities. I would not want to see it diminish to fewer than 37 days. That amount of time gives us a chance to have extensive discussions on the issues in a campaign. It also provides a little more of an advantage for those who are not incumbents seeking places in the legislative chamber in Ontario.

Mr. Mancini: Mr. Speaker, I would like to make a couple of short comments on Bill 17. Our colleagues have dealt with many of the issues extensively. I do not want to repeat the issues, except to make short comments. On the matter of the allotted hours for the polling stations, I am happy to see the polls will now open at 9 a.m. and close at 8 p.m. instead of 7 p.m. as in the past. I am very glad the 37-day election period has been kept and not shortened, as was the government's intention prior to today. The matter of British subjects has been clarified, but not until after the next election. We are all aware why the government has decided to wait one election. It feels it would be politically advantageous to itself.

On the matter of the \$200 a candidate must put forward and the 25 signatures from electors; that is fine. If it takes \$200 to keep frivolous candidates out of the election process, that is one thing, but when did we give ourselves the right to decide whether or not frivolous candidates should be involved? That is something I have not fully been able to justify to myself.

In a free and democratic society, do we have the right to say to a candidate from the Rhinoceros Party or the Green Party of Ontario or somebody else who might be considered frivolous, "You cannot run unless you put up the \$200;" and if they do not have it to say, "You are out of luck"? When did we give ourselves that right? We are treading on something dangerous. It has not reached the point of danger yet, but I am sorry to see that in the bill. I can understand why, but I am not sure we can justify it.

5:50 p.m.

As for having 100 people sign a sheet for nomination, I do not think there is anything wrong with that. The fact it is reduced is fine, but the matter of getting 100 people involved, getting 100 names signed to support a candidate, bodes well for the election process. It gets people involved. From the speeches I heard today, it seems we are all trying to raise the dismal average voter turnout we have had here in Ontario. Last time 51 per cent or 52 per cent of the population voted, a terrible record. In my view, reducing the number of people that have to sign the candidate's form for nomination does not help that situation at all.

I want to take a moment to comment on the point raised by my colleague the member for St. Catharines (Mr. Bradley) concerning government advertising and the amount of money that can be spent during a campaign period. The government House leader will recall that three or four years ago, right after the last provincial election campaign, I introduced a comprehensive bill in the House. It dealt with government advertising, advertising by crown corporations, the amount of money a political party could spend and the amount of money a particular candidate could spend. A lot of other areas were very thoughtfully covered in my private bill, if I do say so myself, and I am sorry to see none of those comments were incorporated.

They were not incorporated because the government might feel they were somehow impinging on its election campaign and strategy. It is disgraceful to have the government spend hundreds of thousands of taxpayers' dollars to promote itself during that 37-day period. It

spends many millions of dollars on its election campaigns. To think it actually has to use government advertising, paid for by the taxpayers, to further its election results—as far as it is concerned in a positive direction—is distasteful. In the future this may arouse enough public dissension that even some Progressive Conservative members may be defeated over the fact that people are fed up with and tired of the government trying to buy their votes with their own money.

This is my last comment, because I know we are short of time. Tabled in the House yesterday were the new boundaries proposed by the commission. I want to say again how dissatisfied I am with the commission's report. To give some ridings in southern Ontario 71,000 constituents and to have the average at about 63,000 is unconscionable. That my constituents should have their votes diluted by several thousand is unfair and undemocratic. With those comments, I will take my seat.

Mr. Haggerty: Mr. Speaker, I wanted to add a few words on Bill 17, An Act to revise the Election Act. I was looking forward to some reform legislation in this area. When one looks at the bill itself, some of the changes are accepted by honourable members on this side.

I was looking for some major changes in the area of electoral reform, although perhaps not based upon the Westminster model, and wanted to suggest to the minister responsible for the bill that we should have some consideration or debate and the review of the matter of fixed-term elections in a special committee of the Legislature. Some may say we do not want to follow that American practice in the election of representatives to the House of Commons, to the Senate or even to the Ontario Legislature. There should be some discussion of that.

When I was elected in 1967, there were five provincial elections in a period of 10 years. When we talk about the days of restraint, five elections in about 10 years can be costly to the candidates, to the particular parties involved in the elections and to taxpayers in general. Right now, under the present system, the taxpayer is picking up quite a share of the cost of running elections.

I thought the minister responsible would be bringing in some legislation in this area to consider a fixed term. It was about two years ago that we introduced fixed elections for municipalities, moving them from one year to two years to a three-year term. If we go back to the elections we have had since 1967, the average

term of the Legislature has been just over three years and six months or something like that—less than four years. Surely if we can move into the area of municipal and school board elections and provide a fixed term of every three years, this government and the Legislature itself should consider fixed-term elections in Ontario.

We all know there are advantages to having elections called at the whim of the government in power. I thought the election this year would have been held some time in November. I had all my election signs; I had been nominated and was ready to go. Then you sit and wait in anticipation and you wonder: "What are those fellows over there going to do? Are they going to wait until 1985 or 1986?" I do not think that is fair to the general public or to the voters in Ontario.

As my colleague mentioned previously, the voter turnout is not that great—about 51 per cent—and there are a great many areas we can improve upon. With the three-year term for local municipalities, more people have gone out to cast their ballot during a municipal election, and perhaps we can do that with fixed-term elections in the province.

The commission on boundary changes was also mentioned. I have seen the proposals for the riding of Erie. When I was first elected in 1967 the riding was called Welland South. In 1975 it was changed to Erie and now the proposal is to call it Niagara South. I hope I can be the first to be elected in Welland South in 1967, the first to be elected in Erie in 1975 and continue that trend in Niagara South. I am sure I can do that.

The change is made by dealing with numbers. I do not think that is quite fair, either. I think of many persons representing a number of municipalities who may have 15 or 20, or they may have half a dozen. We can have somebody who is in a confined area that is five miles square. The government wanted to reduce an election campaign to 30 days. When areas are large you have to have the 37 days. One can agree with that in the bill.

The recommendation is to change the riding of Erie to include part of the riding of Niagara Falls. I appeared before that commission, and one of the arguments I put forward was to give back to the riding of Erie what we had in the 1971 election. That riding has now lost some 14,000 people. Changing it to include part of the riding of Niagara Falls means that 2,000 or 3,000 more citizens will be on the voters' lists for that riding. I suggested that we get back part of Dain City, which was part of the former township of Humberstone. The chairman of the commission

said, "We do not like to divide up municipalities into different ridings;" but they came right back and this is what they have done and I do not think it is quite fair.

The argument I have made, and I have said this before in the House, is that when we go by householders, and this is what the grants are all about, nobody takes into consideration the 45 miles of shoreline in the riding of Erie. There are 3,500 additional householders who cannot be put on the voters' lists and cannot be included as part of the census because they are either Americans or landed immigrants who do not qualify, yet all the amenities of life are required for those persons too.

In the original proposal on the boundary changes it was suggested that Erie should take in the town of Dunnville under regional government and include four townships. I know that—

The Deputy Speaker: Perhaps I could remind the honourable member that we have permitted a certain amount of latitude during the debate. However, we are discussing Bill 17.

Mr. Haggerty: That is correct.

Mr. Ruston: We are not discussing redistribution.

Mr. Haggerty: I know I am not on redistribution, but it deals with elections.

The Deputy Speaker: On two or three occasions—

Mr. Haggerty: The hour is 6 o'clock and we will probably adjourn the debate.

Mr. Nixon: Can we finish this at 8 o'clock?

Mr. Breaugh: Way to go; you talked it out.

The Deputy Speaker: Can I have clarification from the member? Did I hear the member just say he moved adjournment of the debate?

Mr. Wildman: Mr. Speaker, he could continue over the supper hour.

Hon. Mr. Wells: Mr. Speaker, Orders and Notices provides we start Bill 82 at 8 o'clock.

On motion by Mr. Haggerty, the debate was adjourned.

ROYAL ASSENT

The Deputy Speaker: I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to certain bills in his chambers.

Clerk of the House: The following are the titles of the bills to which His Honour has assented:

Bill 43, An Act to amend the Off-Road Vehicles Act, 1983;

Bill 58, An Act to amend certain Acts related to Payments in Lieu of Taxes to Municipalities;

Bill 89, An Act to amend the Regional Municipality of Haldimand-Norfolk Act;

Bill 91, An Act to amend the Regional Municipality of Sudbury Act;

Bill 102, An Act respecting the Sale of Lands for Arrears of Municipal Taxes;

Bill 129, An Act to amend the Assessment Act;

Bill 131, An Act to amend the Income Tax Act;

Bill 132, An Act to amend the City of Sudbury Hydro-Electric Service Act, 1980;

Bill 135, An Act to amend the Ontario Unconditional Grants Act;

Bill 148, An Act respecting certain land in the Township of Marathon in the District of Thunder Bay;

Bill Pr2, An Act to revive Marquis Video Corporation;

Bill Pr7, An Act respecting the London Regional Gallery;

Bill Pr19, An Act respecting the City of London;

Bill Pr25, An Act respecting the Oshawa Young Women's Christian Association;

Bill Pr26, An Act respecting the Chartered Industrial Designers;

Bill Pr27, An Act respecting the City of Nepean;

Bill Pr30, An Act respecting the City of Belleville;

Bill Pr31, An Act respecting the United Jewish Welfare Fund;

Bill Pr32, An Act respecting the City of Ottawa;

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No. 128

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Evening Sitting

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Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, November 27, 1984

The House resumed at 8 p.m.

THEATRES AMENDMENT ACT (concluded)

Resuming the adjourned debate on the motion for second reading of Bill 82, An Act to amend the Theatres Act.

Ms. Bryden: Mr. Speaker, as I said before I adjourned the debate on the last occasion when this bill was before the House, this is a very contentious issue.

On the one hand, we have people who are opposed to censorship of any kind in our society. Their reasoning is that censorship interferes with freedom of expression, which is now protected in the Canadian Charter of Rights and Freedoms. They feel it interferes with free cultural and artistic expression. They warn that it has been used to limit political dissent and can end up with thought control in the style of Orwell's *Nineteen Eighty Four*. They ask who controls the censors, who chooses them and to whom are they answerable.

On the other hand, there is a growing concern about the increasing dissemination of material that portrays and condones violence and the sexual exploitation of women and children and that is abusive of ethnic or religious groups or of any other vulnerable group in society.

The tremendous growth in what is known as the porn industry has greatly increased the concerns of those who believe our laws must protect the dignity of the individual. The industry is now a \$1-billion industry and its products can be reproduced very cheaply and in great numbers. Its products can cross borders with very little difficulty. Competition for the market is leading to the production of more and more extreme depictions of violence, of sexual coercion and dominance, of sadism and of more dehumanizing portrayals of vulnerable groups such as women and minorities.

I believe there is a growing consensus that some limits must be placed on freedom of expression when it is used for the commercial exploitation of violence and the degradation of women and children.

Recently the Attorney General (Mr. McMurtry) commissioned a former New Demo-

cratic Party member of the Legislature, Mr. Patrick Lawlor, to study the question of hate literature. In his recent report, under the title *Group Defamation*, he made this observation: "Freedom is and must be restricted in order to preserve freedom itself and the equal freedom of others."

I believe most members in this House would support that principle. Where we differ is in the route to follow in imposing those limits.

We welcome the bill's extension of the film classification system to all videos, tapes and films sold in retail stores. We accept a licensing system for such retail outlets as an effective means of enforcement. We agree that items classified as adult-only should not be sold to children or to any person under 18. We agree with municipal laws that say such items should not be displayed at levels under five feet or with pornographic pictures featured where other purchasers may see them.

We support these aspects of Bill 82 as very necessary legislation, but we are voting against the bill at this stage to highlight our alternative approach to the problem, which we want the government to consider.

We reject the government's route of turning the problem over to an even more powerful censor board; that is what the Ontario Film Review Board really is. We believe our alternative approach will be equally or more effective in removing offensive material from the media, from the newsstands and from the video stores. At the same time our approach will preserve human rights and freedoms through a classification and licensing system that contains an adequate appeal procedure.

This appears to be another of the bills before the House this session on which there is a clear distinction between the NDP and the Liberal Party. Most of us want the same goal: the elimination of unacceptable pornographic material. But most of the Liberal speakers appear to be accepting the Tory route to that goal; that is, a more powerful censor board.

Instead, we propose a broadened classification board and retention of due process to review the decisions made by the classification board. In the bill there is no judicial review allowed of the

decisions of the film review board beyond referring the question to another panel of the same board.

The NDP has traditionally been opposed to censorship, because it has seen how it has been used by right-wing governments to infringe the rights of free speech and to inhibit free cultural and artistic expression. We have seen how it has been used by undemocratic governments to restrict political dissent and the rights of opposition parties and groups. We have seen it used for thought control in one-party states.

8:10 p.m.

However, we have also seen the need for human rights laws against hate literature and hate expressions, particularly in the field of race relations. We have welcomed the clauses in the Broadcasting Act that forbid the broadcasting of any abusive comment or abusive pictorial representation of any race, religion or creed.

One of our federal members, Lynn McDonald, introduced a private member's bill in Ottawa to add the word "sex" to that prohibition. We are pleased that the Canadian Radio-television and Telecommunications Commission has recently accepted her proposal and applied the prohibition to both broadcasting and pay TV. It has also extended it to material abusive of children.

The New Democratic Party also sees the need for restrictions on material that degrades women, children and any other vulnerable group. For that reason, we strongly support the call for amendments to the Criminal Code that would more clearly spell out the kind of material that should be defined as obscene and should be prohibited.

We also support a beefing-up of the customs and excise practices in making decisions on what should be denied admittance to Canada under the Criminal Code.

Because of the explosion of degrading and unacceptable material flooding our media news-stands and film and video shops, the NDP reviewed its policies on controlling this material at its recent convention in July 1984. After much study of the problem and long debate, the party came up with a new policy resolution on pornography at that convention.

Some of my colleagues have already described the features of that resolution. However, I want to point out exactly what it does, to make our position clear. It contains the alternative route I have been mentioning as the reason the NDP is rejecting the route proposed by the government in Bill 182, which apparently is also the route supported by most of the Liberals.

The NDP resolution does the following things:

First, it clearly reaffirms the party's support of the right to free expression.

Second, it reaffirms the 1980 Ontario NDP policy that called for replacement of the Ontario Board of Censors by a film classification board. The board would classify both films and videotapes based on legislated community standards.

Third, it recognizes that free cultural and artistic expression is fundamental to our society and is guaranteed by the Charter of Rights and Freedoms. This recognition would stop the kind of raids on art galleries that the present censor board has been staging under the existing law.

Fourth, it urges amendment of the Criminal Code to prohibit publication of violent or sexually coercive pornography. This would be enforced through the courts rather than through a censor board.

Fifth, it urges amendment of the Ontario Human Rights Code to provide a much broader hate law than we have at present. The hate law must be extended explicitly to cover expression of hate towards women as a group.

Sixth, it rejects any form of porn that portrays or promotes the sexual exploitation of children and suggests special measures to keep such material out of circulation.

Seventh, it proposes a route for dealing with films and videos that do not meet the legislated community standards. Distributors would be licensed and could lose their licences if found to be in violation of the Criminal Code, the Ontario Human Rights Code or the Theatres Act. Enforcement would therefore be mainly through the courts.

The classification board would have the power to recommend the excision of parts of films or tapes that the board believes violate community standards or that can be classified as child pornography. The recommendations would be discussed with the distributor. If he or she did not agree to make the cuts, the board would not make the cuts itself, nor would it ban the film, as a censor board does.

However, if the distributor showed the film, he would be subject to a charge of violating the Theatres Act, and no further showings would be allowed until the courts heard the case. The distributor would then have the opportunity to prove in a court of law that the film does not violate the legislated community standards or that it is a film of significant social, educational, cultural or artistic merit. If the distributor succeeded in so proving, the board's recommendation would be set aside and the film could be shown.

This provides for the law to be brought in to evaluate the decision about whether the material is in violation of either the Criminal Code or the Ontario Human Rights Code.

This is far better than the kind of appeal provided for in Bill 82, which simply lets the distributor appeal a cut or a ban to a new panel of the film review board, as I mentioned earlier. Bill 82 also continues the film review board's exemption from the Statutory Powers Procedure Act; in other words, it rules out due process of law. We feel this is a very important defect in the bill, and this is why we wish to protest the route that is embodied in the bill.

I might add that the NDP motion has an additional component that is completely missing from Bill 82. It calls for a public education program to make people more aware of the offence to human dignity caused by violent or sexually coercive pornography, especially as it affects women in their struggle for social and economic equality. In effect, it seeks to overcome the desensitizing of society that is growing because of violent pornography.

The NDP motion also calls for school programs on human sexuality, equality and mutuality.

Finally, it calls for an education program on this issue within the party to raise awareness of the seriousness of the problem and of the necessity for legislation to control it. It also would discuss how we can preserve free cultural and artistic expression while protecting women, children and other vulnerable groups from a new and very vicious form of antihuman hate literature.

These are the reasons we are opposing the bill. We are also opposing it because the minister has not brought before us the regulations that will contain the community standards that are to form the basis for the decisions by the film review board. We think we are being asked to buy a pig in a poke in this bill until we know what those community standards are going to be.

8:20 p.m.

Another thing that appears to be missing from the legislation is a clarification of responsibility for distributing unacceptable material. Under the Criminal Code, publishers, wholesalers and retailers can be charged. We have seen this happen in the recent case of Penthouse magazine. We have to recognize that most magazines and many videotapes and films are now sold through convenience or variety stores. These retailers are very much on the firing line.

I am told by the co-ordinator of the Ontario Korean Businessmen's Association, which represents a large number of variety store operators throughout the province, that five of his members have been charged in the Penthouse case. We also know that at least one large wholesaler of magazines to retailers has been charged. I do not think the small retailer should be considered the culprit in such cases.

In the first place, he gets his magazines and videos in a package. Even though he does not have to accept every magazine or video in the package, he does not have time to examine each package to see what should be rejected. In the second place, he is not necessarily knowledgeable about community standards or court interpretations of the obscenity clauses in the Criminal Code.

Some retailers who are newcomers to Canada are not experienced with our court system. These people in particular are very anxious not to be found in conflict with the law. Often they fear that even being charged may hinder their chances of bringing relatives to Canada. They fear it may become more difficult for them to obtain Canadian citizenship. They also fear the publicity about charges and that it may reflect on the members of their ethnic community.

Mr. Martel: Is the minister about to respond? Is that why the lights are on?

Mr. Bradley: Why are the lights on?

Mr. Elston: The member for Beaches-Woodbine (Ms. Bryden) has brought light to the Legislature.

Ms. Bryden: Yes. It must be a pretty important topic.

Because of these unfortunate effects of charging small retailers, I urge that the Criminal Code, the Theatres Act and the Human Rights Code be amended to clarify that the publisher or the wholesaler is chiefly responsible for the content of what is put in the retail stores. This is an amendment I urge the minister to consider including.

In conclusion, I believe most members in this House agree that steps must be taken to control violent and exploitative pornography. We simply disagree on the methods to effect that control. It does not mean we are any less concerned about the problem of pornography. I commend our proposal as a way to remove unacceptable material from our society and at the same time to preserve freedom of cultural and artistic expression and the right to have a review of decisions about what is unacceptable subject to due process of law rather than to bureaucratic fiat.

Hon. Mr. Elgie: Mr. Speaker, it is a pleasure to be here with Walter and his friends this evening as we discuss—

Mr. Sweeney: Walter?

Hon. Mr. Elgie: Not one person in the room knew what the W stood for.

First I want to thank the member for Kitchener-Wilmot (Mr. Sweeney), the member for Hamilton West (Mr. Allen), the member for Wellington-Dufferin-Peel (Mr. J. M. Johnson), the member for Halton-Burlington (Mr. Reed), the member for York South (Mr. Rae), the member for Kent-Elgin (Mr. McGuigan) and the member for Beaches-Woodbine for their interesting and well-intentioned remarks about views they hold very strongly. It is an issue which tends to divide people, very strongly, on their views.

There is a reasonably good consensus of what we are all about, even though there may be some disagreement about the process we may use to achieve that end.

One should remember we are not here tonight to discuss a new principle. The legislation we are talking about, the Film Classification and Censorship Act, has been in effect in this province since 1911. It is not new. It has been through many phases. The last phase some four years ago introduced the concept of a public board representing the public. It determined what the community standard was and then endeavoured to apply that standard to the films before it in order to classify the great majority of films. In others, it required some eliminations. That was, by far, the very smallest part of its job.

Tonight we are here essentially for two main reasons. One is, we have seen in our day a shift in the distribution of films that have in the past been seen in public theatres. The same type of films is now distributed through retail outlets on videocassettes.

The whole premise upon which this legislation was based and upon which it continues to be based, is that film is a particular type of visual medium that has the capacity to have a particularly strong impact on those who view it.

It would be fair to say that most researchers in the world who have examined these issues and have come to some thoughtful conclusions on them would feel there is a possibility or probability that viewing the kind of abhorrent material we are talking about can influence behaviour and attitudes and, at the very least, can reduce one's sensitivity to what is going on with respect to the degradation of women and exploitation of children—the violence and so forth that can be associated with sex.

We are dealing with a very important issue. It is an issue which this province has recognized as an important one for many years, and which other countries throughout the world are gradually becoming concerned about, although many joined in that original concern. The numbers are increasing in that area; they continue to mount.

We are here tonight, first, to deal with the fact we now have a new method of distributing visual moving pictures, namely videocassettes, and to propose ways and means to control or to license the retailers and distributors of those videocassettes. We are here to impose those principles of classification upon them that apply to ordinary films in movie theatres today and also to those occasions, rare though they may be, when some censorship is required.

We are also here about the issue of the Charter of Rights. Many members have referred to the Supreme Court of Ontario decision. Just to clarify the issue—because there are some who I think may have wrongly felt the court had said that what the existing legislation did was contrary to the charter—I would like simply to quote from that judgement, which said, "Some prior censorship of film is demonstrably justifiable in a free and democratic society."

The question is not the legality of censorship; the question is whether or not the limits that have been placed on freedom of expression are reasonable limits and whether they have been prescribed by law. We are here tonight to introduce legislation that in addition, therefore, by regulatory power gives the government the power to prescribe by law what those limits are, subject always to the test by the courts that they must still be reasonable limits.

8:30 p.m.

Mr. Elston: The lights just went out on the minister.

Hon. Mr. Elgie: I thought the lights were here for the member opposite, not for me. They so rarely look at me these days. I am not the fifth man; I am not even the fourth man these days. But I will be there somewhere in some race.

Some members have commented on the fact that as a public policy tool this bill will not do away with violence, sexual exploitation, the degradation of women or the exploitation of children. That is true; it will not do away with them.

But it does do several things. It states as public policy what this government and what this Legislature feel about this issue. It gives those retailers and distributors whom the member for

Beaches-Woodbine was so concerned about—and I share her concern—some certainty that their shops will not be subject to the kinds of raids and charges that caused them disrepute in the neighbourhood and from which, by the way, the majority of them want protection.

They do not enjoy being charged and having their reputations scattered around the neighbourhood. They want something to be done that protects them from the kind of film that puts them in trouble with their community and with their neighbourhood. That is where their business is, and they do not need to lose that kind of business. This bill therefore states our public policy and it does much for those whom the member for Beaches-Woodbine has expressed concern about.

The ironic thing about this debate is that we do not disagree on what we are trying to achieve and that is one of the unique things about this bill. The struggle is with the process and how we achieve it and it is not a struggle that we alone are having. I refer to the position of the Association of Canadian Television and Radio Artists, an association with which the member for Halton-Burlington has an occasional relationship. He is now between jobs, so he is not intimately associated with it at the moment.

It has an interesting position, and I do not say this critically, because the association clearly struggled with it. It has a two-part policy on pornography and censorship. The first part calls for a fundamental revision of federal obscenity laws in order to allow complete freedom of expression where portrayals of explicit sexual behaviour are concerned; it seems pretty clear. But the second part of the policy, interestingly enough, requires ACTRA members about to engage in work in their field to seek and receive prior approval from ACTRA if they plan to produce programming that advocates or condones violent or abusive sexual behaviour. Clearly it has the same difficulty that many do. It is called an on-the-one-hand-and-on-the-other-hand kind of difficulty.

Again I do not say this in the least to be critical and I hope no one takes it that way, but the third party in its previous resolutions shared this kind of on-the-one-hand-and-on-the-other-hand difficulty. Under resolution 410, it totally opposed censorship, but under resolution 413, it said that no station shall show or broadcast anything that is abusive, etc., or that relates to sex or sexual abuse. So clearly everybody is struggling with the issue of freedom of expression at a time when we all know exactly what we are trying to achieve

as a goal, although we may have some differences with respect to how we achieve that goal.

Both the member for Hamilton West and the member for Beaches-Woodbine have reviewed the most recent position of the third party and I understand it.

It is an interesting position that proposes among other things, and I will not review them because those members have done so very ably, that there be a committee representing the public to determine community standards, that they classify films and recommend eliminations where those eliminations would offend community standards and that there be an appeal within the system. If a company chooses to go ahead and distribute the film anyway, it should do so and then go to the courts as the ultimate answer to all these problems.

Let us just see how easy it is for the courts. I think many have read and appreciated the struggle and the interest Mr. Justice Borins had when he reviewed a number of films in the case of *Her Majesty versus Doug Rankin Co. Ltd.* and *Act III Video Productions Ltd.* Let me quote from page 27:

"Yet it remains the task of the trier of fact, who is assumed to have his finger on the pornographic pulse of the nation, to assess objectively whether or not the contemporary Canadian community will tolerate the distribution of the motion pictures before the courts. There is some irony in this requirement.

"The judge, who by the very institutional nature of his calling is required to distance himself or herself from society for purposes of the application of the test of obscenity, is expected to be a person for all seasons, familiar with and aware of the national level of tolerance. Thus the trial judge or jury is required to rely upon his or her own experience and decide as best he or she can what most people in Canada think about such material to arrive upon a measure of community tolerance of that material."

I may say in passing that two or three months later a judge and jury sitting in Thunder Bay reviewing the same material considered three or four further tapes to be obscene even though that jury was reviewing the same sort of material.

It is not a straightforward and simple matter for a judge, who, as Justice Borins says, has distanced himself from those matters, suddenly to be required to assess a community standard. That is what the Board of Censors, the Ontario Film Review Board, is all about, a board that has

become accustomed to and has indeed got the pulse of the community standard of the day.

With respect to the issue of whether it is better simply to broaden the criminal offence, as some would say, I think it should be broadened. The Attorney General is working diligently to do that.

I would like to refer to the report of the British committee on obscenity and film censorship chaired by Barnard Williams, dated November 1979, commenting on this very issue of prior review of material before distribution. We are talking now about film censorship in a free and democratic society. I will quote from page 145:

"Some people told us that if there is material which we were satisfied should not be made available to the public, the proper way to suppress it is by way of making it the subject of determination by the courts rather than by prior restraint. Prior restraint is commonly recognized as a more effective means of suppressing material than is offered by the subsequent punishment approach.

8:40 p.m.

"Its advantages are that it provides certainty, consistency and speed of decision and the possibility of continuous review by the same group of people. It avoids the delays of criminal trials and decisions by courts who know nothing of films and are not representative of the film-going public. It provides a more refined control capable of identifying which elements of a film are objectionable and, therefore, allowing the distributor the opportunity of reacting, and it prevents objectionable material from becoming available at all, rather than trying to retrieve it after publication and thereby giving it more publicity."

It is not an easy issue and it is not an easy one simply to leave to the courts. I can assure the members that members of the P squad would tell them that it is not an easy issue for them. It is not an easy issue for the corner distributor the member for Beaches-Woodbine was talking about, whose reputation in the community is certainly different to what it was before the day he or she was charged.

Mr. Nixon: You charged them with selling Penthouse.

Hon. Mr. Elgie: Does the member want to start selling Penthouse?

Mr. McClellan: You charged the clerks.

Mr. Nixon: Some poor guy behind the counter.

Hon. Mr. Elgie: We are talking about the issue of films. That is the issue before us. Several

changes are being proposed to face the new reality of videocassettes and their retail distribution, and of the Charter of Rights with its requirement that whatever is proposed by a government with respect to control over distribution of film must be reasonable and must be done in a legal framework—in other words, in the statute or by way of regulations.

In concluding, I commend this legislation to members as achieving those goals and I ask for their support when this matter is eventually referred to committee.

On motion by Hon. Mr. Elgie, the debate was adjourned.

RESIDENTIAL COMPLEXES FINANCING COSTS RESTRAINT AMENDMENT ACT

Hon. Mr. Elgie moved second reading of Bill 147, An Act to amend the Residential Complexes Financing Costs Restraint Act.

Hon. Mr. Elgie: Mr. Speaker, this amendment to the Residential Complexes Financing Costs Restraint Act, 1982, before us this evening for second reading, will extend the sunset provisions of the act for one year; that is, from December 31, 1984, to December 31, 1985.

This extension is necessary to afford an opportunity to consider a recommendation in volume 1 of the report of the Commission of Inquiry into Residential Tenancies released October 30 that the principle of this act be put in place permanently. The report has been received with considerable interest and many parties are now in the process of making known their views on and responses to that report.

The act, as members will recall, limits to a maximum of five per cent that portion of a rent increase attributable to increased financing costs claimed by a landlord as a result of the purchase or sale of a residential complex. The extension before us this evening will allow time for appropriate study, but will not prevent other legislative changes from being made to rent control legislation.

Mr. Nixon: Mr. Speaker, this is not the first time this legislation has been before us. It is interesting to note that while we are still dealing with a five per cent pass-through, the Treasurer (Mr. Grossman) has with great vehemence and enthusiasm indicated to us that the level of inflation in this jurisdiction is now closer to the three per cent level and he is predicting that it will go even lower.

It seems to me the five per cent pass-through is quite generous, particularly since the minister is

indicating this is just pro tem until the authorities in government and perhaps a committee of the Legislature have an opportunity to review the recommendation of the Thom report.

There is a general feeling that the government's approach to rent review in general, and this aspect in particular, is predicated more on the nearness of a provincial election than it is on doing justice to the whole concept of rent review.

The whole basis of rent review depends originally on the foresight and inspiration of that great lady, Margaret Campbell, who in the days when the government of the day was rejecting any sort of rent review or control out of hand was putting forward, on behalf of the Liberal Party, the concept of review which has been found to be quite adequate and workable from 1975 until this day.

Mr. McClellan: The member should not be fatuous.

Mr. Nixon: Well, it was picked up by some johnnies-come-lately who are always interjecting from the far left, the ineffectual left.

I am very proud to say I was leader of the official opposition when Mrs. Campbell had this transcendental vision. It was picked up by the socialists who were simply talking about rent control or some other sort of fascist approach to this particular matter. The then Premier, our lame duck friend, rejected it out of hand, but seeing the views of the people in this jurisdiction, in this metropolitan area and other important cities, realized his re-election depended on some sort of bow to rent control.

I am quite concerned the government is so slow and ineffective in moving towards keeping the Margaret Campbell concept up to date. It feels that what was okay in 1975 is going to be all right in 1985. I do not believe it will be. Its approach to this is still uninspirational, antediluvian and steeped in the kind of politics that, unfortunately, has been moderately successful for these past few years on behalf of the Progressive Conservative Party.

But I am concerned, even at the level of five per cent, that it would put that before us. The five per cent level is more than generous, particularly as the Treasurer, as I pointed out, is indicating that inflation has fallen well below that level. It is a sort of nice balance between what the leadership candidates want to squeeze out of the Urban Development Institute, the people associated with it, and what it feels the people renting in St. James Town will stand for.

We are quite disappointed that the minister, who has the carriage of this responsibility, has

not applied his undoubted great intellect to a problem which requires a more imaginative approach. We are not going to stand in the way of this legislation because it is necessary, for want of the kind of leadership the Progressive Conservative Party has failed in over these many years.

We are thinking seriously of trying to persuade Mrs. Campbell to come back into the House so we can have the kind of leadership in this matter for a further decade. There is nothing on the Tory side and nothing with the NDP, which simply parrots the old, glassy-eyed, doctrinaire approaches of socialism which are really no longer effective or useful in the problems we face in a modern world. I hope our critic comes back soon.

Mr. McClellan: What a wonderful speech that was, Mr. Speaker. It was a tribute to the former member for St. George, who, it is true, was a temporary convert to the cause of rent control. How unfortunate it was, how tragic it was that she was never able to persuade her leader to come on board on the issue.

Mr. Nixon: That is not factually correct. I hesitate to use the terminology the member's House leader would use.

Mr. McClellan: I remember the debates in 1976 when we passed the first rent control act.

Mr. Elston: It is to be noted that the member for Bellwoods (Mr. McClellan) is laughing all the time he is speaking.

Mr. McClellan: I remember those debates.

Mr. Elston: He cannot remember a single thing about 1976.

Mr. McClellan: I remember those debates so clearly, when the member for Kitchener-Wilmot (Mr. Sweeney) stood in his seat and denounced rent control as a temporary aberration. He was over here in those days. He was sitting right here and he said it was a temporary aberration. I will never forget it.

The Acting Speaker (Mr. Treleaven): Order.

Mr. Sweeney: I object. Show me the record.

Mr. McClellan: How quickly we degenerate into disorder in this place. Where did the minister go?

Mr. Elston: It is obvious the minister believes he has heard everything that is reasonable and rational. The member for Brant-Oxford-Norfolk (Mr. Nixon) has stopped.

Mr. McClellan: Perhaps when the minister is through chatting with one of his—

Hon. Mr. Elgie: I just saw your two friends fighting. I thought I would leave.

Mr. McClellan: When the minister is finished chatting with one of his many surrogate candidates, perhaps we can come back to the debate.

The Residential Complexes Financing Costs Restraint Act is being re-enacted because the sunset clause triggers in in about 33 days. What a big surprise that is.

In November 1982, this minister announced to a breathless Legislature he intended to appoint a royal commission because he was so upset, so terminally concerned, so chronically concerned, so pathologically concerned and so hysterically concerned about the two issues of costs no longer borne by the landlord and the phenomenon of illegal rents that were widespread and rampant in Ontario.

As a matter of utmost urgency, that royal commission was going to provide him with interim reports that would advise the minister, who was suffering, as I have said, from rampant concern about how he would deal with the problem of illegal rents and costs no longer borne by the landlord in November 1982.

We stand here in November 1984, having received a report of the Thom commission three or four weeks ago, the minister having received it some time in August or September, and the minister now comes forward with this little extension in Bill 147 to escape the sunset clause.

I have to ask myself, and I have asked the minister this before, about the election we had in the summer of 1975. September 18 was election day in 1975 and one of the big election issues that transpired, to the misfortune of the member for Brant-Oxford-Norfolk, was the issue of rent control.

In the middle of the election campaign, the Premier (Mr. Davis) was forced, without any reference to his colleagues, to say that he too espoused this plank from the communist manifesto. The Premier, that notorious Marxist, espoused the notion of rent control and he was going to bring in rent control for Ontario.

We came back to this assembly—I remember it clearly as a newly elected member of the assembly—in October and the very first thing on our plate was a complete rent control bill, a complete legislative package to establish a rent control system for Ontario.

I do not have the exact dates with me, but we were here in the latter part of October. We had finished the second reading debate by the middle of November and the bill had been passed into law after a series of extensive public hearings

before Christmas 1975. It was proclaimed in early 1976.

We went from election issue to complete legislative promulgation in September, October, November and December 1975. Lo and behold, here we are in 1984. We have had a royal commission that has been busy burning up the cheque books for two solid years from November 1982 to November 1984. There has been an unlimited blank cheque and there is no end in sight. Now they are on to phase 2 and the sky is the limit. They are going to study the whole issue until they spend probably \$5 million or \$6 million of taxpayers' money.

In the course of two full years and the expiry now of two and a half months, the minister still does not know what to do about costs no longer borne by the landlord and illegal rents. He does not know how the Residential Complexes Financing Costs Restraint Act of 1982 fits into the big picture.

He does not know how it meshes with all the learned expositions of the Thom commission. In other words, he is no further ahead in December 1984 than he was in November 1982, which, if memory does not fail me, was the month when we first saw the Residential Complexes Financing Costs Restraint Act. Was it not introduced in November 1982? The minister can nod if I am not mistaken. I am correct.

Mr. Elston: He is sleeping.

Hon. Mr. Elgie: It is the only time I have ever nodded at the member. Yes, he is correct this time.

Mr. McClellan: I hope he is not nodding out of some desire to sleep, but he has been asleep, of course, for the last two years. Two years later, a royal commission later, months after the report of the royal commission was delivered to the minister, the best he can do is to extend the Residential Complexes Financing Costs Restraint Act for another 12-month period.

Mr. Elston: A year.

Mr. McClellan: My colleague says a year. It is really pathetic. I do not want to be mean-spirited or uncharitable towards my friend the minister, but it really is a laughable exercise. He did not need a royal commission in the first place. He knew what to do about illegal rents, namely, set up a rent registry. He does not need a \$2-million royal commission to tell him that. Everybody has known this since 1978 when we passed the Residential Tenancies Act.

He does not need a royal commission to tell him what to do about costs no longer borne by the

landlord. We permit tenants to go to the Residential Tenancy Commission and appeal against costs no longer borne by the landlord. We had that in the 1976 rent control act. What kind of joke is being played on the people of this province? This is a complete charade and a complete waste of money.

Again, we are standing here with 1982 legislation, which is now extended to the end of 1985. For what reason? Is it, as I suspect, that the constituency for a progressive—

An hon. member: It is a good thing he is a neurosurgeon—

Mr. McClellan: He had to get out of the psychosurgery business because it is no longer legal.

I am at a loss to understand why this silly exercise has taken place. The minister has a whole ministry at his disposal and command. He has a whole number of competent and qualified staff assistants. He has the resources at his command to come forward with a series of proposals for plugging the loopholes in our rent control legislation.

But he was not prepared to do that, and the reason he was not prepared to do it is that there is no longer a base of support within the Conservative Party for legislation that would plug those loopholes. I do not believe any longer that this government has any intention of plugging the loopholes in our rent control laws.

We will see whether my possibly cynical or jaundiced outlook is sustained at the leadership convention of the Conservative Party in January. I do not think there is any market any more for the kind of pro-tenant initiative that was taken in 1975 and again in 1978. I do not think it is there any more within the government and I think that explains why this minister has shilled and shallied and dallied for two full years without bringing in self-evident reforms to the rent control act.

9 p.m.

One does not have to be a royal commission genius to know how to plug those loopholes in the Residential Tenancies Act and the Landlord and Tenant Act. They are as plain as the nose on one's face. Every tenants' association in any apartment building anywhere in Ontario could tell the minister what he has to do and how he has to do it.

He did not have to spend \$2 million. All he had to do was pick up a telephone and ask: "How should we end illegal rents? What will we do about costs no longer borne by the landlord? How

can we make the commission more responsive to the needs of tenants?"

No, that is not the way we do things in Ontario. We have a royal commission to bury, suffocate, stall, delay, postpone and disguise the fact that it is no longer possible for a Minister of Consumer and Commercial Relations to get progressive legislation through this cabinet. That is the reality in Ontario in 1984 when the Minister of Industry and Trade (Mr. F. S. Miller), the leading contender, is describing himself as the Canadian Reagan.

Do honourable members think the Canadian Reagan is going to tolerate stronger pro-tenant legislation, stronger protection for tenants? Do they think the Reaganite candidate, whether it is the Minister of Industry and Trade or the Minister of Agriculture and Food (Mr. Timbrell), will tolerate plugging the loopholes in rent control? Not for a second. The minister can support the candidacy of the fourth place candidate and he can try to figure out what to do on the second ballot or even on the third ballot—

The Acting Speaker (Mr. Cousens): To which bill is the honourable member speaking?

Mr. McClellan: I am speaking to Bill 147 and why this bill is in front of us tonight. It is precisely because this minister has not been able to persuade this cabinet to plug the loopholes in rent control and bring forward reform, the necessity for which is self-evident to anybody who has studied, thought about or experienced the problem. Instead, he is in front of us again with a temporary, ad hoc extension for another 12 months.

Meanwhile, the royal commission ploughs ahead with its open chequebook and its global mandate to study cosmic rent control, but the minister is still as clued out and clueless as to what legislation to bring before this Legislature as he was in November 1982. It is a sad situation. Even though there is a limited market for psychosurgery, the minister would be well advised to pick up his scalpel. I am telling him I am still available.

Hon. Mr. Elgie: For having it or doing it?

Mr. Epp: Mr. Speaker, I am pleased to join in this debate in supporting Bill 147, a successor to Bill 198 introduced only a couple of years ago, which was very temporary legislation then. The very temporary legislation the minister proposed at that time is almost like the temporary federal income tax proposed in 1917, which is still with us.

I am not sure where the minister stands with respect to the support he gets from his colleagues

on rent review legislation. Going back to April 27, 1982, there was a letter sent by a businessman of this province to one William M. Kelly, who is now the Honourable William M. Kelly, a senator from Ottawa. The important paragraph we should draw from this letter is this:

"Prior to Mr. Davis's last election, the Ontario Landlord Association met with the Housing minister and we were assured if we as Ontario landlords would support the party and not make any waves prior to the election, we could expect the controls to be phased out if the PCs could obtain a majority."

The Progressive Conservatives got their 70 seats after making that commitment to the landlords that they would remove rent control from the books of Ontario's legislation.

Mr. Grande: They were told the PCs would get rid of rent control?

Mr. Epp: That is what this person said. He said the PCs promised they would get rid of rent control. This was to get additional moneys into their campaign coffers, to get their votes from, and their signs up on, the big apartment buildings and whatever.

Somehow or other, the Minister of Municipal Affairs and Housing (Mr. Bennett), after making this obviously very sincere commitment, was not able to persuade his colleagues to get rid of rent controls, as he obviously wished to do. I am not sure that was not the reason he did not get the ministry that had responsibility for rent controls. Nevertheless, he still holds an important portfolio in the government, and in reading his speeches and some of the comments he makes I understand he is in favour of rent controls and he is not going to try to get rid of them.

This legislation came about after the Leader of the Opposition (Mr. Peterson) asked a considerable number of questions of the minister in the House after the 10,000-apartment flip by Mr. Rosenberg, brother of Morley Rosenberg, the former mayor of Kitchener, who fairly easily got a political plum.

Hon. Mr. Elgie: Kitchener people do well. Does my friend object to them doing well?

Mr. Epp: I help them to do very well in their private enterprise as much as possible.

The Acting Speaker: Are you talking on Bill 147?

Mr. Epp: As the minister knows, I am a great supporter of private enterprise and of the entrepreneurial spirit we have in Waterloo. The city of Waterloo does extremely well itself; the landlords, the tenants, the business people, those

who own the small industries and those who own the large industries. Our unemployment rate is fairly low; it is one of the lowest in the country.

The Acting Speaker: And on Bill 147.

Mr. Epp: I wanted to educate the minister on the entrepreneurial spirit that rests very well in the city of Waterloo and that area.

The Acting Speaker: We have all heard that. Now on Bill 147.

Mr. Epp: Mr. Speaker, I think you have some relatives there who love the area.

Mr. McClellan: Are they landlords, Mr. Speaker?

The Acting Speaker: That does not pertain to Bill 147.

Mr. Epp: Speaking directly to Bill 147, this bill will extend financial restraints on the people who want to go to rent review.

Speaking about financial restraints, I wonder whether the minister can give us any greater assurances than he has in the past about setting up a rent registry. As he knows, we have asked a number of questions in this House about that. Over the past two years he has passed the buck on to Mr. Thom, who is going to deliver his edict some time in the future.

We know it is a stalling action, and it has been a very successful stalling action for two years. It may last beyond the next election; which was the original intention, to make sure the government does not have to come up with any decisions before the next leader of that party calls an election. After that, they will not have to worry about it. The minister is trying to pass the buck on to the official opposition, so that when it forms the government he will not have to worry about it. That is fine, as long as we understand the problem.

There is one other aspect we should draw to the minister's attention; it has to do with demolition control, which is part of the whole rent review process. In Toronto we have had a particular problem with respect to a number of buildings the owners have wanted to demolish. The city of Toronto has, as much as possible, tried to thwart the efforts of the developer to demolish these buildings and to keep low-rent units available to those people who have very low incomes.

Unfortunately, the government does not want to preserve these units, although it has it in its power to do so. If it were to try to preserve them, we would have additional units for low-income earners. I ask the minister to try to do what he can to persuade his colleagues to preserve the units on Eglinton Avenue as well. If the precedent

holds true, a good number of other units are going to be demolished. We ask him to preserve these units as far as possible.

9:10 p.m.

Mr. Grande: Mr. Speaker, I am going to be brief on Bill 147, but I thought I should put a few things on the record in regard to tenant legislation and rent controls in the province.

Basically, I want to say to the Liberal Party members, not wanting them to start screaming and yelling all over the place, that before and during the election of 1981 it was Liberal members whom we heard all over the province saying, "Rent control should be abolished for particular municipalities that have a vacancy rate higher than seven or eight per cent;" or whatever number it was. They were quite willing to leave it up to the municipalities to determine whether there should be rent review across this province. So when the Liberals get up to speak on rent review and tenant matters, as far as tenants in this province are concerned they know that party has made itself irrelevant.

Let me deal with Bill 147 and say to the minister that back in June or July of 1983 I, on behalf of the tenants of the riding of Oakwood, which I represent, went before the Thom commission to bring forth the concerns of the tenants of the riding of Oakwood. I spoke as well as I could on behalf of the tenants of the riding of Oakwood about the need to have a rent registry in this province, a rent registry that goes back to January 1, 1976.

Do members know what Mr. Thom said to me after I tried to explain the rent registry? Mr. Thom said, "But, Mr. Grande, is there any need for you to go over how a rent registry is set up when this is already part of the legislation and is therefore accepted?" In other words, back then we knew that Mr. Thom was going to accept the notion that a rent registry is required. Indeed, as the critic for the New Democratic Party has said, in 1976 this House said we needed a rent registry in this province.

The minister drags his feet; the government drags its feet. They do not want to do it; they do not want to bring it forward. However, the tenants in the riding of Oakwood demand that a rent registry be established. As a matter of fact, they demanded it to the point where we in the riding of Oakwood, I myself and three or four other people active in the tenants' movement, have set up a rent registry for one of the wards in the riding of Oakwood. We do not have the resources that a government would have to set it up for all of the riding, but we will get there; and I

am sure that before this government moves, we will have a registry in place for the whole of the riding of Oakwood.

In effect, the tenants in the riding of Oakwood are being protected right now from illegal rents because this member believes landlords should not be allowed to steal from tenants. Of course, I do not want to say to the minister that he thinks landlords should be allowed to steal; however, he is allowing it to happen; he is allowing landlords to take away from tenants, illegally, thousands of dollars a day.

I do not think this government would for one moment allow a thief to go into a bank and take the money out of the bank, then say to that thief: "You took that money two or three years ago. We will let you keep it now, because stealing three years ago is not the same as stealing today." That is exactly the kind of rent registry that this minister and the Thom commission were talking about in terms of going back two or three years instead of going back to January 1, 1976.

Tenants demand that a rent registry be established. I am sure the minister knows that. I am sure all the members of this Legislature, if they talk at all to tenants in their ridings, know that tenants want and need to have a rent registry and protection from illegal rents. They look to the government for that protection, but to look to this government for that kind of protection is to look in vain.

I do not want to say very much about the background of Bill 147. I just want to mention the fact that when pressure is there for the government to move, it does move slightly. A few years ago, Stephen Lewis made probably one of the best speeches in this Legislature that I can remember since I was elected to this House. He defined what politics is all about. If I remember correctly, he said politics is the art of the possible, but for this government politics is the art of the minimum.

What is the minimum this government can do to put tenants or any other interest group at ease with regard to their concerns? What is the minimum it can do to defuse an issue? The minister of rent controls, or the minister of illegal rents, found a way to defuse the issue of rents in those apartment buildings that were sold by Cadillac Fairview. He put those tenants' minds at ease by saying, "The new owners cannot raise the rent more than five per cent with regard to the financing." Those people were concerned there would be a 15, 20 or 30 per cent increase.

The minister and this government did the minimum they possibly could have done at that

time. Then, to defuse the issue, they said, "Let us set up the Thom commission." For the past two years, the minister and the government had an easy time, getting tenants' organizations to busy themselves going before this forum, or the Thom commission, feeling and thinking that something constructive was going to take place at the end of the process. Now the process is partly at an end. The first report has been issued, and this government now is stalling more and more.

I suggest to the minister that before this House recesses for Christmas he can bring in the amendment that was put into the legislation in 1978; all he has to do is proclaim it. Then people in his ministry and people in the Residential Tenancy Commission can begin to establish a rent registry that goes back to January 1, 1976, and can get the landlords in the riding of Oakwood to return the money they owe to the tenants in the riding of Oakwood.

9:20 p.m.

I want to talk very briefly about another issue that is crucial in the riding of Oakwood: The demolition of older apartment buildings. What happened on Eglinton Avenue in the riding of the Attorney General (Mr. McMurtry) is going to happen in spades in the riding of Oakwood on the Bathurst Street strip. There are about 4,000 to 5,000 tenants living north of St. Clair Avenue and south of Eglinton on Bathurst whose buildings and homes will be—I predict they will be although I certainly hope not—put to the wrecker's ball because the landlords are going to want to build luxury accommodation in that area.

There are 5,000 people, not just from the riding of Oakwood but from the city of York and from Metropolitan Toronto, who will be displaced from affordable housing. Where do they go? I have said it before and I repeat it again: it is like getting rid of a small town of 5,000 population in Ontario.

To stall or end this uncertainty on behalf of those tenants with respect to where they are going to live, and where they can find affordable locations and places, if this government wanted and if it had the will, it could introduce legislation in this House to allow the municipality to have a demolition control law with teeth that would be able to be enforced, so landlords would not be able to take their apartments and property and destroy the homes of people in this province.

There is not much time to talk about these matters tonight. I just wanted to put those few things on the record and to say to the minister in as clear a way as I possibly can that the tenants of the riding of Oakwood want action from this

government. They do not want another commission, another report and another study.

Mr. Elston: Mr. Speaker, I have a few comments with respect to this legislation. I would like to start where we probably ended in the justice committee with the estimates of the Ministry of Consumer and Commercial Relations not long ago. It is in relation to the deliberations of this ministry with respect to several issues that really cause me a great deal of concern.

At a number of stages when we asked questions pertinent to the deliberations of this minister with respect to policy, he advised us the ministry is considering certain studies and internal types of material so it can generate some sort of legislation to deal with problems that have been in existence for some time. In this particular situation, we have the whole issue of rent review, tenants' rights and the Residential Tenancy Commission, which seems to be one of a number of issues this minister seems to be putting off and stalling until some time in the future.

Perhaps it reflects his desire to be taken off the horns of a dilemma where his philosophical bent perhaps does not particularly jibe with the types of programs his colleagues in cabinet would go along with. I rather suspect the minister is generally well intentioned with respect to protecting the rights of the citizens of this province in dealing with residential tenancies, but he is at some degree of disadvantage when he discusses these matters with his colleagues in cabinet.

Now that the first minister of this province finds himself at a stage where he no longer seems to care to be in the House or the general swing of the business of the province, I can anticipate the government finds itself in a very large way in a state comparable to a rudderless ship. In other words, it is drifting without any sort of direction to deal with the serious problems that need attention in this province.

I think this particular piece of legislation is a good example of the sort of problem this minister must deal with, and probably, if the truth were known, some of his other colleagues would find themselves in the same boat.

The question is, does the member for Muskoka (Mr. F. S. Miller), as he takes over the reins of government, want to carry on a program that would see a rent registry as part of the program of Ontario? Would the member for Eglinton (Mr. McMurtry) want to deal with demolition controls? We have just seen that member come through a particular difficulty in his riding with respect to some buildings on Eglinton Avenue.

Would the member for Don Mills (Mr. Timbrell) want decisions that are made at this late juncture in the reign of Prince William of Brampton to be carried over into his time as first minister of this province? Or would the member for St. Andrew-St. Patrick (Mr. Grossman) desire to carry on a decision that is made at this late date in the fall of 1984 before he takes over?

I can appreciate the difficulty of this particular minister when it comes to creating policy decisions with respect to this very important program in Ontario. Perhaps we cannot blame him if he is not able to work through his cabinet colleagues a precise position of this government on rent control or, for that matter, on demolition controls or on any of a number of other important policy programs with respect to protecting the tenants of this province.

I think it is important to indicate at this juncture in the debate that, while the government appears to be a rudderless ship, the opposition of this province is providing some direction—

Hon. Mr. Elgie: Heading for the glacier.

Mr. Elston: They may be on ice, but they are actively moving forward. Of course, when they are going backwards there is really no comparison in terms of what is happening.

With respect to activities, we are prepared. My colleague the member for Renfrew North (Mr. Conway) has taken the bull by the horns, when the current minister has been unable to see his way clear to dealing with this issue, by introducing a clear statement of our policy by indicating we would introduce a central computerized rent registry for Ontario citizens.

I understand this minister has some sympathy for that, although he will not stand in the House and indicate he will support the bill of the member for Renfrew North, but I sensed during our time in estimates that he longed to provide his personal support for this particular piece of legislation as introduced.

The difficulty he comes up with, of course, is the difficulty that any minister has when there is no leadership, and that is the state in which we find the Progressive Conservative Party of Ontario. We cannot blame this minister for that particular dilemma. We can, however, urge and suggest that he come up with some policy that is a clear and unequivocal statement of his intentions for dealing with this problem in Ontario.

So far we have not had that from this man. He has decided he will postpone almost every major decision in his ministry until the spring of 1985. It is inconceivable, and I tried to make this point during estimates. As long as he postpones every

major decision to the spring of 1985 he will be so inundated with the legislative process that he will probably be unable to talk to his cabinet colleagues about any program because they will be wondering what he will come to them for next. In fact, he probably will be badgering the member for Eglinton, who I understand would probably take this minister off the horns of the dilemma in which he finds himself as the Minister of Consumer and Commercial Relations, perhaps by elevating him or hoisting him to another position.

9:30 p.m.

I would be quite happy to see this minister move forward and provide us with some clear indication that he plans to help out the tenants of the province by making a clear statement that he will come up with a policy that will implement a computerized central rent registry in this province. He owes that to the tenants, even though at this stage he is merely postponing everything by introducing this piece of legislation.

It is clear, as well, that some of the other problems which need to be spoken about are those of demolition control. They are inextricably wound up with the whole problem of providing affordable housing for the people of Ontario. We cannot deal with those issues in any sense or any way without talking about the undesirable way in which applications are being made to destroy affordable housing for the citizens of, in particular, the city of Toronto.

I would recommend to the minister a review of the standing committee on administration of justice when they were reviewing a private bill for the city of Metropolitan Toronto dealing with demolition which would have been much more inclusive than the watered-down legislation actually turned out by the committee at some time down the road.

It spoke very eloquently to the problems expressed by those seniors and by others who find themselves currently in affordable housing, but who upon reviewing what is going to happen to them when demolition permits are issued find themselves actually as a sort of modern-day urban refugee. They have been displaced through no fault of their own; they have been largely abandoned, not only by the government of Ontario but also in some sense by their own members, if we look at the large representation of people from the riding of Eglinton.

I recall very well, as a member of the standing committee on administration of justice, sitting and reviewing the demolition control bill and looking to the rear of the audience and finding

there planted among those people as a spectator the Attorney General of this province.

I found that very rewarding. It indicated to me the Attorney General was going to provide some support for that sort of legislation. It seemed to me we had an in to the inside of the cabinet; that there would be some kind of voice for those citizens who were going to find themselves displaced if something was not done.

Unfortunately, the man who wore the badge that read: "Apartments are homes too," along with the vast majority of people who not only sat in on the committee deliberations but who also stood in the aisles and outside listening to the deliberations of the committee, disappointed us to a great extent.

I can sympathize with his position. He has to abide by cabinet policy decisions, but it seems there is something of a problem when I come to review the types of activities of the Minister of Consumer and Commercial Relations when he addresses the problem of tenants' rights since, I understand he is supporting the member for Eglinton in his efforts to become the Premier of this province.

If he hopes to wear the badge of the group he seems to be supporting, he ought to take every necessary step to implement the type of legislation which will save those people for whom he is bearing the sign.

Unfortunately, we have discovered that not only were the committee deliberations unable to pass the scrutiny of the cabinet decisions as to what the majority of the members in the committee would decide, but we were also then to discover the Attorney General would not consider the amendment presented to him just recently in this House by my leader, the member for London Centre (Mr. Peterson), with respect to last-minute efforts to save the apartments on Eglinton Avenue.

There are a number of issues, and this demolition control issue is one, which will and must be addressed by this minister or his successor.

We find the greatest disservice to Ontario is the putting off of these major decisions with respect to the residential tenancies problem in Ontario.

I just want to make two or three other comments on the Thom commission. I can understand the minister's hopes that he will be able to deal with the Thom commission when it is all finally put together in both phase 1 and phase 2 reports.

Mr. McClellan: He will be lucky if he still has a job.

Mr. Elston: It seems to me, however, when we were promised a report on the difficulties of residential tenancy in Ontario by the end of 1983, we should have been given some kind of report in 1983.

We were also told we would have some kind of report early in 1984, then we were told we would have a report in August 1984. Finally, we were told we would have a report at some point later on in 1984; and sure enough, we have it. We have received it through the efforts of our minister, who has been able to extricate the report from the difficulties of having it printed and circulated. We have finally received it, but it is not a final report. We have phase 1 of the report and phase 2 is still to come.

We find at this stage in the report the umbrella groups of landlords are unable to find their way clear to speak to the Thom commission in a real way. We also find the umbrella groups of tenants are unable to speak to the Thom commission. We have individuals speaking to the commission, but I have to ask the minister what he expects to get from phase 2 of the report when there appears to be some sort of active boycott of this commission.

It seems to me what he is doing is postponing the problems of his successor, or perhaps of himself, until the spring of 1985 by passing this piece of legislation and by refusing to deal in any real way with the issues that concern residential tenancies in Ontario as they come up. He could deal with demolition or the central registry. Those programs could be dealt with separately from the overall review. He could do those very easily and settle once and for all the direction his government hopes to take with respect to residential tenancies, but he is not doing that.

He is probably not privy to the secret agreements going on among the four leadership contenders in his party, although he may be. He may feel he is gagged by some order from the grand Progressive Conservative guru in Ottawa. He may feel he cannot come up with any decision on his own.

We have so many items left for the spring of 1985, it is very difficult to tell whether this minister is doing anything more than providing some kind of guiding light for those people we never see in his ministry at all. He may receive a good number of pieces of written literature that will never see the light of day. It is unfortunate that this minister, at a critical juncture of the status of residential tenancies in this province,

has been unable to find himself in a position to move on any of the issues.

I raise these issues, not because I wish to delay in any sense the passage of this legislation, but because I would like to let the people of this province know we have here a government that finds itself in a situation comparable to that of a rudderless and pilotless boat in dangerous waters, drifting aimlessly. Those people who appear to be in most danger are not the captain and the first officers, but the deckhands and passengers of that great ship of state, the citizens of Ontario.

I cannot understand for a minute why this minister, who seems to be inclined to provide some assistance if we look at his personal philosophical bent, does not move to provide some direction for the people of Ontario. He is unable to do that and that is too bad.

He ought to tell us he is supporting the Attorney General because he hopes to be able to announce there will be a computerized central rent registry along the lines of the program introduced by the member for Renfrew North; he hopes there will be demolition control along the lines of that first discussed in the standing committee on administration of justice; and he hopes he will come up with some meaningful legislation to deal in its entirety with the recommendations, not only of phase 1 of the Thom commission but also of phase 2.

9:40 p.m.

This postpones the inevitable showdown which will come at some stage in Ontario. Perhaps this minister will be long gone by the time the showdown comes.

It is somewhat akin to the type of showdown now appearing in the Ministry of the Environment. The current Minister of Health (Mr. Norton) will see how easily he escaped the wrath of the citizenry of Ontario because he has escaped the concerns that have leaked out of the chemical wastelands he was for so long surveying in his former capacity as Minister of the Environment. The people in the government are escaping minefields by postponing, procrastinating and praying they are supporting the right leadership candidate.

Hon. Mr. Elgie: Are you sure you are from Huron-Bruce?

Mr. Elston: We are from Huron-Bruce. The people of the province require action in a dedicated, sensible, reasonable and compassionate way from the government of Ontario. As the members of the government drift along, they will find themselves wrecked on the rocky shore

of a political wasteland from which they may never recover.

Mr. Charlton: Mr. Speaker, I will not take much time on this bill. I want to register a few comments about what this bill represents in tenant matters in this province and what it reflects in government policy and approach to policy. A number of members have been through it tonight, and I do not want to repeat it all. They have said there is no need for this kind of approach to the question of rent review or to landlord-tenant legislation in general.

We have seen this kind of approach in almost every ministry across the way. We hear the kinds of concerns from the Minister of Consumer and Commercial Relations that we hear from the Minister of Labour (Mr. Ramsay), the Minister of Health and the Minister of the Environment (Mr. Brandt).

We go through questions on rent review and all the concerns are expressed. We go through questions on workers' compensation and all the concerns are expressed. We go through questions on the environmental things going on in this province, which we were discussing earlier this afternoon, and all the concerns are expressed. However, where is the leadership, the action and the resolutions of those concerns and problems? There is none.

An hon. member: Where's the beef?

Mr. Charlton: As my colleague says, where's the beef?

Hon. Mr. Elgie: He can tell you where it is if you want to look around you.

Mr. Riddell: I see a lot of pork over there.

Mr. Charlton: Quite a few barrels as well. It is a problem of deception. It is a problem of speaking to the people of this province about the things they are concerned about without ever taking any concrete action. This legislation, as my colleague the member for Bellwoods said at the outset, is something we could have dealt with ages ago, two years ago.

The rent registry question is something we could have dealt with two years ago. In the late 1970s, in 1978 and 1979, we had two committees of this Legislature that sat for a total of about a full year on the question of landlords, tenants and rent review. Time after time those committees received presentations in a very thorough way from tenants' organizations, landlords' organizations and individual landlords across this province.

At one point we even adjourned the committee here and travelled across this province to

communities where rental issues were of concern. We went to Sudbury, Ottawa, Thunder Bay, Windsor and London. We went all across this province. All these things have basically been repeated by the royal commission.

We have got into a syndrome in Ontario of studying everything for ever, but never doing anything about those things we study. Then we wonder why the people of this province become so cynical about politics and politicians. They see us all as a part of the same process. Unfortunately, we on the opposition side get sucked into participating in all these studies.

Mr. Elston: No, no; the member should speak for his own party. Did it get sucked in?

Mr. Charlton: The Liberal Party is already there. We may get perceptually stuck in; it is already there.

At any rate, it is a very sad day when we have to deal with bills such as this to extend a piece of legislation from the end of this year to the end of next year, when we should be here making the permanent decisions about where we want to go with landlord-tenant and rent review legislation for the next considerable period in Ontario.

My colleagues and I from Hamilton have been holding a series of hearings in Hamilton with the business community around questions of economic direction, about what things we can be doing as politicians to make life a little saner out there in Ontario. One of the things we have been told repeatedly by businessman after businessman at these hearings is: "Look, we do not like all your regulations"—they say that and it is quite clear and we understand it—"but if we have to live with regulations, let us sit down and work out the regulations. Tell us that for the next 10 years or 15 years those are the regulations under which we have to operate. Quit tinkering around, playing games, putting in this program, renewing it for one year, changing the program, adding another and taking one away."

That lack of leadership causes more problems for more sectors in Ontario than any other kind of problem they have. We want to talk about this kind of indecisive approach which seems to show the government cannot make up its mind and does not know where it is going. Whether it is the environment, the Workers' Compensation Board or landlord-tenant legislation, it does not know where it is going, where it has been or what might come next.

This bill is a totally lacklustre extension of something the government is not sure it likes, not sure it wants to get rid of, but not sure it wants to make permanent either. It is thus extended for

another year, and nobody knows what is coming next down the road.

That is the kind of atmosphere everybody out there wants to end, regardless of whether they are for regulation or against regulation. They want to end that kind of haphazard, piecemeal, unknowning approach, without any clear understanding of what the future holds. We have to get rid of this approach. We are getting no leadership from this government.

This bill is a primary example of not knowing, not understanding and not being sure of whether to get rid of something, keep it or change it, whether to make it permanent or part of something else.

Interjection.

Mr. Charlton: That is correct. There have been no firm decisions in years. Not only have there been no firm decisions in years, there is no sign of one coming either. It is a travesty.

Hon. Mr. Elgie: There is no sign of any tummy. I do not mind that.

Mr. Charlton: There are no apparent decisions coming from the four leadership candidates. They cannot even decide what they are allowed to talk about, never mind what they want to stand for.

The Deputy Speaker: Let us go back to the bill.

9:50 p.m.

Mr. Charlton: They cannot even decide what they are allowed to talk about. This has become the biggest circus approach to government that anybody could ever see anywhere. It is like the comedian magician we used to see on the stage in the Mandrake cartoons. Now you see it, now you do not, but oops, it was supposed to be a rabbit and it ended up a dog. Nobody knows where the minister is, nobody knows where he has been and nobody knows where he is going. That is the kind of economic indecisiveness that causes a good many of the problems we have.

If one talks to landlords out there or to tenants, one of the things they say clearly is: "Look, all we want to know is where we are going, not what you are not going to do but what you are going to do. Give us a direction, give us a decision and set it in place."

This bill gives us no leadership, it creates nothing that we can understand and it is just a prime example of the nothing approach to policy that we are getting from the other side of the House.

Hon. Mr. Elgie: Mr. Speaker, it is a great pleasure for me to take part in this debate. I

enjoyed hearing friends fight among each other a little bit at the beginning.

I would like to point out to the member for Brant-Oxford-Norfolk, with the greatest respect, that this bill does not deal with the statutory annual increase. When he was referring to inflation, he should have been referring to the statutory annual increase, not the five per cent maximum rent increase that may be attributed to financing costs related to a sale.

Many members have talked about issues that fall outside the domain of this ministry, particularly the issue of demolition. I cannot help responding to the complaint that there is a lack of movement on the part of this government. This minister, within a month and a half of assuming office, had introduced, with the co-operation of the Residential Tenancy Commission, changes with respect to conflict of interest rules.

Within another three or four months the issue of funding and the backlog commenced to be addressed. The whole history has been one of continuing to improve the process and the mechanisms and the funding available for that commission. Indeed, rather than inaction, there has been a two-year history of action while a royal commission considering matters was reviewing the issue.

That report was tabled a month ago. A month later a bill is being introduced to prolong that five per cent cap on financing costs while a working committee reviews the recommendations of the Thom report in the light of responses from interested members of the public. I know this does not matter to any of the members opposite; I understand that. They do not want to hear what those other people have to say about the report. They would just as soon say: "We do not need the other people. We will just go ahead and do it on our own."

Fortunately, this government, perhaps because it understands how the legislative process should work, understands that there has to be a process. That process is in place and, as I have indicated, it is my hope it will produce some recommendations I may take to my colleagues this winter for their consideration.

In summary, I appreciate what I suspect is support for the passage of this bill and I would adjourn debate on the bill at this time.

The Deputy Speaker: Mr. Elgie has moved second reading of Bill 147. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

Mr. Martel: He adjourned the debate. He did not even move second reading.

The Deputy Speaker: He had moved second reading earlier.

Mr. Martel: He did not move it. He moved the adjournment of the debate.

The Deputy Speaker: But that was not passed as a motion.

Mr. Martel: He did not move it. He moved the adjournment of the debate.

Mr. Elston: He sure did.

Hon. Mr. Elgie: We stacked the vote until 10:15.

Mr. Martel: There is no vote.

The Deputy Speaker: Just to clarify the matter, Mr. Elgie has moved second reading of Bill 147.

Motion agreed to.

Bill ordered for third reading.

SECURITIES AMENDMENT ACT

Mr. Williams moved, on behalf of Hon. Mr. Elgie, second reading of Bill 109, An Act to amend the Securities Act.

Mr. Williams: Mr. Speaker, in the absence of the Minister of Consumer and Commercial Relations, I am introducing for second reading amendments to the Securities Act which extend the act to Her Majesty in the right of Canada, Ontario, the other provinces and the territories as well as to the agents and servants of Her Majesty in each of these jurisdictions.

In other words, these amendments to the Securities Act will require crown corporations to abide by the same rules as any other investor trading in Ontario's capital markets, including the Toronto Stock Exchange.

It was the Ontario Securities Commission's discovery that it could not require a crown corporation to abide by the rules that brought this legislation before us for second reading this evening. I refer to the challenge to a 1982 Ontario Securities Commission order that denied a Quebec crown corporation, the Caisse de dépôt et placement du Québec, access to Ontario's securities markets. The order was issued after the caisse failed to file insider reports of its holdings in several public companies and made a takeover bid for Domtar Inc. of Montreal without complying with the takeover bid requirements of the Securities Act.

In that challenge to the commissioner's order, the Ontario Divisional Court decided in 1983 that the crown is not bound by the provisions of the Securities Act.

Crown corporations regularly utilize our capital markets. The fact that those agencies alone might not be required to comply with the Securities Act might bring our securities market into disrepute. Indeed, with the reputation of the markets at stake, the Ontario Securities Commission was intending to appeal the Divisional Court decision but abandoned proceedings after the caisse agreed to comply voluntarily with the Securities Act.

However, without appeal, the Divisional Court decision holding that the crown is not bound by the Securities Act remains in place. The Securities Amendment Act is intended to preclude reliance on the court decision and to ensure continued investor confidence in our capital markets.

While certain exemptions for a crown agency spelled out under the Securities Act will continue to be available under the new legislation, crown agencies will have to comply with the trading and reporting rules and takeover bid requirements observed by all other traders in our capital markets.

Mr. Elston: Mr. Speaker, in rising to speak this evening to this piece of legislation, I want to thank the parliamentary assistant to the Minister of Consumer and Commercial Relations. The minister disappeared between the two pieces of legislation with which we are dealing. I can understand his hesitance to speak to this legislation when we find he is extending certain safeguards to the securities market in Ontario with respect to issuances of Her Majesty in right of Canada, Ontario and the other provinces, their agents and servants.

10 p.m.

Perhaps the parliamentary assistant will be able to provide us with some information. What effect are these inclusions going to have when Her Majesty, in right of the various areas I have indicated, is exempted from any of the provisions of investigation, the calling of witnesses and the in-depth delving into the material with respect to backgrounds in prospectuses that have to be filed?

What protections are being provided for the people in the securities markets in Ontario? How are we going to guard against a violation by a crown corporation from some other province in Canada? What types of safeguards are we getting into? What provisions are being made to mete out some punishment for violaters, if they do not comply with the prospectus requirements that are put in place, to deter other people in the capital markets from violations?

Those are concerns we must have when we deal with this legislation. The bill has three sections. The first section adds a new section 138a, which covers:

- "(a) Her Majesty in right of Canada;
 - "(b) Her Majesty in right of Ontario; and
 - "(c) Her Majesty in right of any other province or territory of Canada,
- "and agents and servants thereof."

It then goes on in subsection 138a(2) to say that they are exempted from subsections 11(4) and (6) and sections 16, 17, 59, 118, 126, 127, 129, 131, 132 and 135, which do not apply. When we look at those subsections and sections, we find they require particular pieces of information to be divulged from the written documents of Her Majesty in right of Canada, the province of Ontario, other jurisdictions in Ontario or crown corporations. They do not have to provide certain evidence through witnesses who are subpoenaed; so I wonder how we can get to the bottom of a violation, if it does occur.

Perhaps the parliamentary assistant can provide us with that information to ensure there is something more than some kind of smoke-and-mirrors approach to protection for those people who happen to want to participate in the securities markets in Ontario. Those are concerns I have.

We do not want to hold up this piece of legislation, but we want an explanation in far more depth than the statement that has been given to us by the parliamentary assistant. I am sure he will provide us with that explanation in some detail, as he usually does, when he stands to respond to the concerns of the people in this Legislative Assembly.

I notice we only have half an hour, but I am sure he will be able to confine his remarks to that short time. The member for Welland-Thorold (Mr. Swart) will also wish to speak at some length on this bill, and perhaps he will provide some degree of protection for those members of the caucus of the third party who often delve into the securities markets for their benefit and for the benefit of the people they represent. We would be very happy to see how the parliamentary assistant would like to protect those particular people, the capitalist portion of the caucus of the New Democratic Party of Ontario.

With those short remarks, which are really to request and solicit some assistance in looking at how this bill will provide the protections to which the bill speaks, I will allow the member for Welland-Thorold to come forth to express his

concerns about his investments in the capital future of Ontario.

Mr. Swart: Mr. Speaker, I want to echo the same concerns stated by the previous speaker. We feel strongly enough about those concerns that we cannot support this legislation before us at present.

If I had to make that decision on my own, I might have some trouble making it, but the member for Riverdale (Mr. Renwick) went into this bill in some depth before he unfortunately became ill. He is convinced the bill is not worthy of support because it does not do what it purports to do.

The explanatory note states, "The purpose of the bill is to extend the application of the act to Her Majesty in right of Canada and Ontario and the other provinces and territories of Canada and to the agents and servants thereof."

The bill has a lot of exemptions. The parliamentary assistant, in his lead-in comments tonight, stated in the second paragraph, "In other words, these amendments to the Securities Act will require crown corporations to abide by the same rules as any other investor trading in Ontario's capital markets, including the Toronto Stock Exchange." He went on in the last paragraph to state that "certain exemptions for crown agencies spelled out in the Securities Act will continue to be available under the new legislation...."

The statement of the parliamentary assistant is, to a substantial degree, contradictory. On the one hand, he says they will have to abide by the same rules and in the next breath he says certain exemptions will be given for crown agencies. It cannot be both ways. He is either going to abide by the same rules and do away with the exemptions or, if he gives exemptions, he is not abiding by the same rules.

As I said, the member for Riverdale and our caucus feel strongly enough about these exemptions, and they are substantial exemptions, that we cannot support the bill that is before us. We will be asking that it go to committee of the whole House, where we will be able to move the deletion of subsection 138a(2), which will provide for those exemptions.

I suggest to the parliamentary assistant, and I would like to have his comments on this, that those exemptions seem to be fairly serious. For instance, section 59 of the act, which is one of the exemptions, provides, "Every prospectus shall contain a statement of the rights given to a purchaser by sections 70 and 126." That, of

course, will not apply to any dealings by the crown.

Section 118, as the parliamentary assistant knows, deals with enforcement. The crown agencies will be exempt from that enforcement. As he knows, that provides the penalties and is really the guts, if I can use that word, of the Securities Act. They will be exempt from section 127, regarding liability for misrepresentation in a circular; this will exempt them from that kind of liability.

Section 129 says: "An offeror who,

"(a) does not make the offer to purchase required to be made by subsection 91(1) at a consideration having a value at least equal to that required thereby; or

"(b) does not take up securities duly deposited under the offer referred to in clause (a),

"is liable to pay to the security holders entitled to receive the offer of purchase, or whose duly deposited securities were not taken up, a consideration per security equal in value to the minimum consideration at which the offer is required by that subsection to be made...."

Section 131 of the act deals with the liability of a "person or company in a special relationship with a reporting issuer" where there is a material fact or change undisclosed. Once again, the crown agencies and the government will be exempt from that.

With those exemptions, the act does not do what it purports to do and what the parliamentary assistant says it does in his second paragraph. Why not delete subsection 138a(2), delete the exemption, treat the governments and their agencies exactly the same as private investors and do what he says the act is intended to do?

For these reasons, we are going to ask that the bill go to committee of the whole so we have the opportunity to vote against subsection 138a(2).

10:10 p.m.

Mr. Williams: Mr. Speaker, I would like to respond to the concerns expressed by the member for Huron-Bruce (Mr. Elston) and by the member for Welland-Thorold, who came in to replace the member for Bellwoods (Mr. McClellan).

First of all, I would like to put into perspective the whole purpose of the legislation, which on its surface appears to be housekeeping in nature but is really a substantive piece of legislation. This bill deals with a matter of considerable concern that developed some three years ago when the named crown agency from Quebec decided for its own reasons to involve itself in the acquisition of shares in a private corporation that was sold in

the public marketplace. In so doing it in effect impinged upon the legislation as it prevails in Ontario with regard to trading in shares of companies listed with the Toronto Stock Exchange.

The main thrust of this legislation is to remedy a deficiency that was not perceived to exist until this particular initiative was taken by the crown corporation from another provincial jurisdiction. At that time it was determined that there was a weakness or a loophole in the legislation and that a crown corporation was exempt from having to comply with all the requirements under the securities legislation of this province as it pertains to all individuals and corporations that do business within this province, that deal in securities on the Toronto Stock Exchange and come under the umbrella of the operations of the Ontario Securities Commission and our securities legislation.

Even though two hearings were held by the Ontario Securities Commission, which ruled one upon the other that crown corporations were not exempt, the Quebec crown agency in question challenged those rulings and a court decision came down on its side. It was then a standoff, which required the enactment of legislation or further court proceedings by way of appeal.

After considerable deliberation, and when cooler heads were allowed to prevail, it was determined that it would be best to come to an agreement on the matter. Therefore, a formal agreement was entered into between the Ontario Securities Commission and the Caisse de dépôt et placement du Québec. This agreement was formal in nature and was dated June 11, 1984. It was an agreement whereby the caisse would abide by the same ground rules by which all other individuals and corporations are bound under the Ontario securities legislation until such time as the appropriate legislation, which is embodied in Bill 109 this evening, could be brought forward. This would put them on an equal footing with others that do business in this province on the exchange.

This agreement provides that it will terminate at the end of this year unless the legislation is enacted in the meantime. Therefore, time is somewhat of the essence. If this legislation goes forward and in the meantime is deemed to be retroactive, then no other crown corporation can take advantage of the loophole the caisses had agreed to avoid using so as not to prejudice the marketplace.

My critics have to be most mindful of these facts, because it is to this singular point that the

legislation is primarily directed. In essence, this evening we are talking about ensuring that crown agencies will abide by the same ground rules on insider reporting and takeover bid requirements as other participants in the marketplace when they are dealing with private investors in publicly traded securities.

We have to be primarily concerned with that. The other section is ancillary to and secondary in consideration to the main purpose of the legislation. With regard to that section, I point out that this type of privilege is extended to crown agencies in other legislation; they are not subject to the same types of court orders or investigative procedures, or to having to produce witnesses or make documentation available before the courts.

A constitutional opinion was obtained in this case. It sets out the legal limitations regarding the Securities Act applicable to the crown. It is a 14-page legal manifesto. I can certainly make a copy of that document available to the critics and they can review that opinion. It is a very lengthy and detailed one.

The report cites many case authorities for arriving at that conclusion, but in essence it was deemed appropriate that the exemptions dealing with investigation and a host of points, some of which the member for Welland-Thorold touched on—investigation orders, prospectuses, distribution, enforcement and civil liability—were all parts of the act to which these exemption sections referred in section 2 of the legislation.

It was deemed appropriate that these specific exemptions, which the Legislature had previously decided need not be applicable to the crown, should prevail in this situation. We are being consistent with what was considered when this legislation was introduced a year or two ago. Through circumstance, it did not get enacted at the time.

10:20 p.m.

We are simply bringing forward a position that was taken at that time by all parties. It was deemed that this was the appropriate route to go under the given circumstances: bringing the crown agencies under the jurisdiction of the Securities Act as it was deemed to be, without prejudicing the rights by protecting them under section 2, about which the member has expressed concern.

Mr. Speaker: Mr. Williams has moved second reading of Bill 109.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for committee of the whole House.

10:26 p.m.

THEATRES AMENDMENT ACT

The House divided on Hon. Mr. Elgie's motion for second reading of Bill 82, which was agreed to on the following vote:

Ayes

Ashe, Barlow, Bradley, Brandt, Conway, Cousens, Dean, Drea, Edighoffer, Elgie, Elston, Epp, Eves, Gregory, Haggerty, Harris, Havrot, Henderson, Hennessy, Johnson, J. M., Kells, Kennedy, Kerr, Kolyn, Lane, Leluk, MacQuarrie, Mancini, McCague, McKessock,

McLean, McMurtry, McNeil, Miller, F. S., Newman, Nixon, Norton, O'Neil, Piché, Pollock, Ramsay, Robinson, Ruston, Sheppard, Shymko, Stephenson, B. M., Sterling, Stevenson, K. R., Sweeney, Taylor, G. W., Treleaven, Villeneuve, Watson, Wells, Williams, Wiseman, Wrye, Yakabuski.

Nays

Allen, Breaugh, Bryden, Charlton, Cooke, Foulds, Grande, Lupusella, Mackenzie, Martel, McClellan, Philip, Reed, Samis, Swart, Wildman.

Ayes 58; nays 16.

Bill ordered for standing committee on administration of justice.

The House adjourned at 10:30 p.m.

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 Charlton, B. A. (Hamilton Mountain NDP)
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No. 129

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Legislative Assembly of Ontario

Fourth Session, 32nd Parliament
Thursday, November 29, 1984

Speaker: Honourable John M. Turner
Clerk: Roderick Lewis, QC



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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, November 29, 1984

The House met at 2 p.m.

Prayers.

DEATH OF MEMBER FOR RIVERDALE

Mr. Speaker: I regret to inform the House that a vacancy has occurred in the membership of the House by reason of the death of James A. Renwick, Esq., member for the electoral district of Riverdale.

Hon. Mr. Welch: Mr. Speaker, on behalf of the government and the people of Ontario, I would like to express my own personal sorrow at the passing of our admired and respected friend James Renwick.

Through his 20 years of service in this House—or assembly, as he preferred to call it—Jim Renwick established a unique reputation among his colleagues. Deeply committed to the principles of equity and justice, articulate in his defence of the role and the workings of parliamentary institutions and dedicated to the pursuit of knowledge, he was beyond doubt one of the most learned persons to occupy a seat in this chamber.

The elder statesman of his caucus, Jim was an active and effective participant in the workings of the assembly and its committees. Equipped with a thorough intellect honed during his years in the practice of corporate law, Jim became a leading spokesman for his party on a number of matters. Indeed, in recent years he assumed responsibility for all legislation and estimates within the Justice policy field. His skills in undertaking these responsibilities were well known and highly regarded.

As the Attorney General (Mr. McMurtry) noted in his statement of yesterday, Jim Renwick always made an effective and eloquent contribution to the consideration of public business. Thoroughly organized and ever in command of his argument, Jim was perhaps the pre-eminent scholar of this chamber. He doubtless utilized the members' reading room in the legislative library more often than anyone else.

Apart from his many achievements within the assembly, Jim Renwick will be remembered for the civility and the honour he exhibited throughout his life. It was said by some that Jim was too much of a gentleman or too courtly to fit the

mould of a successful servant of the public. Perhaps it is the rest of us who were at fault for not endeavouring to be more like him on occasion.

Jim also exhibited an enormous zest for life and derived joy from many activities. He loved good company, good movies and good conversation. We all found him to be an enjoyable and stimulating companion. More than just a pleasant associate, he was a good friend to many of us.

Perhaps his closest friend among us was the member for Scarborough West (Mr. R. F. Johnston), himself the recent victim of ill health, who fortunately has been able to join us today, following a lengthy absence, to pay tribute to our colleague. I know we all join in wishing the member for Scarborough West a quick return to his activities.

On September 10, 1984, the Premier (Mr. Davis) was delighted to write to Jim on the 20th anniversary of his first election to this assembly. At that time, the Premier wrote the following words, which I would repeat to Jim at this point if he were in our midst:

"You have served the people of Riverdale and the people of Ontario with integrity and commitment. Through your affable good humour and your quiet civility, you have contributed effectively to debate in the assembly and you have earned the respect of your associates on both sides of the Speaker."

I will conclude by extending our sympathies to Jim's family, to members of the New Democratic Party and to his many friends and admirers in all walks of life.

Mr. Peterson: Mr. Speaker, I would like to associate myself and my colleagues with the words of the Deputy Premier (Mr. Welch). Since Jim's passing, the praise and the tributes have been fulsome from many quarters and all well deserved. As befits one of the true "legends and titans" in this House, there has not been one unkind word.

We all have personal knowledge of Jim. He touched all our lives in this chamber, and I believe he elevated the tone on many occasions. He also touched the lives not only of his constituents in Riverdale but also of many people who work in this building. Today and yesterday,

I noticed a real sense of sadness in this building. I have had the opportunity to chat with a number of people who work here and I would like to tell the members of some of their tributes.

"He always had a friendly word and a smile. It did not matter who it was. He was interested in how my day was going," said Janet McDonald, the cashier in the cafeteria.

"He was a gentleman everyone liked. He always asked about the staff who were not in or who were sick. He had a genuine interest in other people. He was never too busy to say hello," said Bonnie Beech, the supervisor in the members' dining room.

"He was one of the most pleasant people you could ever hope to meet. We are all going to miss him dreadfully," said John Walls, general services supervisor.

"Jim Renwick always had the greatest respect for the staff who were responsible for administering the Legislature. He took a personal interest in the services provided to members. He never pulled rank. If the guidelines or the regulations made sense, that was enough. He remembered us by name and he was always a gentleman," said Tom Mitchinson, executive assistant to the director of administration of the Legislature.

"He always had a smile and a joke. He would say things like, 'If the place is so quiet, why don't you go to sleep?' Seeing him always made the day more pleasant," said Ontario Provincial Police Special Constable Archibald.

"Jim Renwick was held in the highest regard by those who toil for Hansard, to which, over the years, he contributed so many words. He was a prolific speaker on almost every issue in the Legislature. His craftsmanship of a sentence, often 20 lines long, was a model of clear and logical thinking. We will miss no longer putting on the record the words of this master of the language," said Jack White, Hansard editor.

Jim Renwick will be missed by us all.

2:10 p.m.

Mr. Rae: Mr. Speaker, this is one speech that is going to be extremely difficult for me to make. I hope the members will bear with me.

Jim Renwick was a man of many parts. I do not think any of us can say we knew all about Jim Renwick. By looking back and talking to my colleagues, my wife, many of Jim's friends and political associates and his earlier colleagues at the bar, I will try to give the House an assessment or a sense of who Jim Renwick was.

His father was an auditor for Canadian National Railways. His family was from Toronto, where he was born in 1917. Today

would have been his birthday and he would have been 67. He was one of two sons. He had an elder brother, Jack, who was killed in the war. At one time the Renwick family had lost a son in the Royal Canadian Air Force and had another son, Jim, a prisoner of war for nearly eight months.

He was born in Parkdale and went to school there. Later, he grew up on the Kingsway and went to University of Toronto Schools. Dare I say it, that at one time he was president of the UTS Old Boys' Association? He went to Trinity College at the University of Toronto in 1935.

I talked to an exact contemporary of his at university, who is also a good friend of my family and was subsequently a colleague of Jim at the bar and in the law firm of Borden, Elliott. He remembered Jim as a great swimmer and a member of the interfaculty football team. He was active in all sorts of university activities. He took the honours law course and in 1940 he was articled to the law firm of Borden, Elliott.

He joined the army in 1940-41 and was an adjutant of the Duke of Connaught's Own Rifles which, as events would have it, became a mechanized unit. He became a captain in the tank brigade and served in England until 1944.

A few weeks after D-Day, he landed at Normandy and was captured on August 9, 1944. I discussed the incidents surrounding this event with someone who knew about it. He said it was a battle in a town near Falaise that was once held by the Germans, then by the Canadians, and then the Germans came back. Many Canadians were shot under circumstances that became the subject of a trial after the war. Jim Renwick testified when he came back to Canada after the war and was back at law school. He was subpoenaed to testify at the trial of SS General Kurt Meyer. The young Captain Renwick was involved in that incident and knew a great deal about it.

He was touched and pleased by the decision of the government to include him as a member of the delegation that went over a few months ago to commemorate the landing on D-Day. It is something he never talked about to those of us who are now his contemporaries. It is part and parcel of the man that he was modest and private enough to choose not to make a big fuss about events which in other people's lives might have been the very centre of the rest of their days.

He came back to Toronto—he was married by this time—and was called to the bar in 1947. He went on to become what the Attorney General referred to yesterday in his very generous remarks.

Another contemporary, in a phone conversation yesterday, described Jim Renwick between the years 1947 and 1960 as probably the most distinguished corporate lawyer of his day. He was governor of the Canadian Tax Foundation and was involved with many corporate clients, including the most notable perhaps, Brazilian Traction. He was involved with the World Bank and travelled extensively overseas and to Brazil on behalf of his clients. He was an extremely distinguished corporate counsel.

As he has already been described by the Deputy Premier in his remarks today, Jim Renwick was someone who thought a lot about life, politics and the world. He was an extraordinarily well-read person. His curiosity and interest in the past and in people were enormous.

In discussing with my colleagues what it is that must have moved him to change his life as he did—and, I think one can say, quite dramatically—in the years around 1960, we all feel it was no doubt motivated by a good many personal reasons but also by very powerful intellectual reasons. He was somebody who, when obviously feeling he wanted to do something else and something different with his life, looked to the political realm. He did what very few of us do: he actually looked around; he went to different conferences.

He had been actively involved in various Conservative campaigns, and for some reason that had not satisfied his overall intellectual and other concerns. I do not know why, but it did not. I think he expressed those reasons in this House on a number of occasions, and we can always look to his speeches to find the reasons.

He went to a Liberal Party thinkers' conference. I am sure Jim would not mind my saying that some might think that is almost a contradiction in terms, but nevertheless he went to Kingston in 1960-61 and again he did not find quite the meat he was looking for; so he came to one of our conventions.

Mr. MacDonald, the member for York South for so many years, remembers him sitting in the bleachers of the Palace Pier at the very first biennial convention of the NDP in 1962. Jim was there. He came down after the convention and said, "This is the group I want to join."

He ran in 1963 in the NDP stronghold of Don Mills and got 35 per cent of the vote, which was a remarkable achievement. He ran against Stanley Randall. Then he ran in what I think it is fair to describe as the famous Riverdale by-election of 1964. The Riverdale by-election is famous for many reasons. It was famous because it ended the

very short political career of Mr. Charles Templeton, who went on to do many other different things. I think there are those in this House who are grateful for that particular event.

There were other reasons it was famous for our party. It was the very first time we were able to use the unique features of a door-to-door canvass. Prior to that, members will recall from looking at the history of elections, people would get in cars, use radio, have big parades and so on, but it never had been thought possible that to send people door-to-door, knocking on doors, would get a response. We were able to do this during that by-election. I think it is fair to say that every New Democrat living in Ontario at that time was a canvasser in the Riverdale by-election, and we had four canvasses.

Since I ran a canvass in a very similar kind of by-election in 1978, I know something about the territory and about the win. It was a great win for our party; it was also a great win for Jim Renwick.

As soon as Jim became a member of this House, he became actively involved in many issues. The first major speech he gave—and I have a copy of it here—on February 3, 1965, covered many topics. It talked about civil liberties and concern about what was happening and interest in the McRuer commission. It talked about medicare, which was still not a reality in Ontario. But the rest of his speech—I was not aware of this; this is the first time I have read it—was about poverty in Ontario, a subject which I dare say he could be speaking about at this very moment and in many of the same terms he used in 1965.

He was preoccupied not simply by legal affairs in their narrow definitions in this House; he was preoccupied by the law as a living reflection of what is good in society. He was determined to give people access to the legal system when they did not have access to it.

When I was first elected, I can remember working in a number of community centres in the east end, and they said, "Oh, Jim Renwick has been here since 1966 or 1967." He started a community clinic in the WoodGreen Community Centre in the 1960s and was actively involved from that time.

2:20 p.m.

He was preoccupied by the problem of social justice. He saw justice not in narrow corporate terms, but in the broadest social terms. One event that had more impact on him than perhaps any other was the closure of the Dunlop plant in his

riding. That occurred in the late 1960s. It is now the site of the Jimmy Simpson Centre.

I can remember that just last year he got a letter from somebody commemorating the anniversary of the closure of the plant. In many conversations we had, when we talked about severance and the problem of insecurity for many industrial workers, he would always go back to that example of what happened to the people in that plant and what the closure of that plant had done to his community.

He was a real constituency person. He was an intellectual, and he would not have been embarrassed to use that term, but he was somebody who loved his riding and loved the people in his riding.

When I canvassed with him in three federal elections and one provincial election, and when Arlene was a canvass organizer for him in 1981, we got to know something of the real Jim Renwick, the campaigner. The Deputy Premier said that somebody as gentle as that might not have been cut out for the political world. However, it was a marvel to see Jim Renwick on the doorstep and to see the tension with which he would address the person to whom he was talking. The time he would spend canvassing on the street and talking door-to-door with people was a marvel.

John Gilbert was my predecessor federally and another very close friend of Jim. When we were canvassing together, as we did briefly before Mr. Gilbert became a judge, for me it was an object lesson in what politics is really about. Politics is about people, it is about friendship, it is about loyalty to the people one has chosen to make one's cause with and it is about principle. When one puts all those things together, one gets a sense of the kind of person Jim Renwick was and the sort of commitment he had to his community.

He was also preoccupied with the question of the future of this country. Nobody cared more about the economic independence of Canada. Nobody cared more about its Constitution. When I was in Ottawa and he was here and we were dealing with the Constitution, we were on the phone two and three times a week talking about the events, trying to figure out what the issues were and sorting them out in a way that I learned an awful lot from. His intellectual range was enormous, and his willingness to share his advice and his feelings was something I shall never forget.

I have described, in a sense, something of the chronology of Jim Renwick's life and, I hope, some of his public concerns. I was a friend of Jim

Renwick. We knew each other well, we worked together closely and we saw each other socially. He was an enormously private man. He was an enormously complex individual. He was a committed democratic socialist. He was a very dignified, courteous, gentle man.

He had a quality that is very hard to describe in simple words, but it was a sense of—I used the word “courtliness” yesterday and that is the best word I can think of. There was a decency to him, a concern with the rhythm and dignity of life.

He could lose his temper. We have all had discussions with our brother Renwick in caucus when that was not an unheralded event. It happened from time to time. He was not pace certain people. He was not a saint. He was as subject to the whims and wherefores of human nature as any man.

He was a very good man and he was a very caring person. He was somebody who all his life never stopped trying to learn and never stopped trying to reach out. I saw him the day before he passed away. He was talking entirely about the future. He was talking about by-elections. He was talking about what had happened to the Liberal Party in 1964 and perhaps it might happen again in 1984. He was always talking about the future. He was always talking about the need for change.

All of us of whatever age who knew him, in this caucus and I suspect in this House, regarded him as a contemporary. He had a kind of ageless quality to him that was quite remarkable. He did not seem to be part of any particular generation, and in fact he always made a point of not wanting to be tied down in that way. He simply wanted to be himself, to be in touch, to be always contemporary and to be always current and involved with what was going on in the world. That is a remarkable quality.

I have lost a friend. Many of us here on all sides of the House have lost a very dear friend. We have lost a colleague who educated us and instructed us, who taught us a great deal about the Legislature, about the law and about the political process. I can say I think he taught many of us a great deal about life itself and about how a good life is to be led.

To Margaret Renwick; to his daughters Marilyn, Elizabeth and Margaret, and to Linda Jolley, we extend our heartfelt condolences and our sense of loss. Perhaps all of us can find some solace in the words of Dylan Thomas:

Though lovers be lost love shall not;
And death shall have no dominion.

Hon. Mr. Davis: Mr. Speaker, I will not add to what the Deputy Premier has expressed on behalf of the government of this province, other than to add a personal word or two, if I may. I regret that I was not here at the outset to listen to the Leader of the Opposition (Mr. Peterson) or to the beginning of the remarks by the member for York South (Mr. Rae), but the guest speaker at the luncheon for the Council for Canadian Unity was a shade longer than he should have been.

Nor will I comment on the history of the political decisions of the former member for Riverdale or on the fact that he had his first opportunity with a certain political party, bypassed that, moved on to another and finally, for intellectual reasons, made his final determination. I have never looked at the former member for Riverdale in that somewhat partisan sense.

I can share with members of this House that I recall a quite close relationship between my predecessor in the office of the Premier and the former member for Riverdale. They shared stories together on more than one occasion, and I think there was a genuine measure of respect.

I listened to the member for York South, and it gave me some comfort when he stated how he had re-read some of Jim's contributions. I guess on occasion when people are constructively critical of the Premier of this province concerning the length of some of my observations, I have discovered something about Jim as well. As the years progressed and as maturity increased, on occasion—during the evening sessions in particular—so did the length of his contributions. I

take comfort in that because I like to feel I am not unique.

I also will not share with honourable members—because the Deputy Premier did—part of the contents of my letter to the former member for Riverdale a few weeks ago. I will keep in confidence, but with some degree of satisfaction, a very warming and rather emotional reply from him to the Premier of this province.

Jim Renwick was regarded by all of us as a very decent human being, leaving out one's assessment of intellectual capacities, because that is beyond my capacity to judge. I found him sensitive, decent and thoughtful. I found him a partisan but one who was very committed to the process of this House, to the governance of this province and to this country that he so genuinely loved.

2:30 p.m.

Mr. Speaker: I ask all honourable members to rise and join with me in a minute's silence in tribute to the memory of Mr. Renwick.

The House observed one minute's silence.

Hon. Mr. Wells: Mr. Speaker, it is my understanding, and I am sure members of the House will want to know this, that there will be a memorial service for Jim Renwick at two o'clock on Saturday afternoon at Riverdale Presbyterian Church.

On motion by Hon. Mr. Wells, the House adjourned at 2:32 p.m.

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No. 130

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Fourth Session, 32nd Parliament
Friday, November 30, 1984

Speaker: Honourable John M. Turner
Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Friday, November 30, 1984

The House met at 10 a.m.

Prayers.

STATEMENT BY THE MINISTRY

TAX GRANTS FOR SENIORS

Hon. Mr. Gregory: Mr. Speaker, I am pleased to advise the honourable members that the Ministry of Revenue will today mail the annual \$50 sales tax grant to 917,000 Ontario senior citizens. These payments, totalling close to \$46 million, are being sent to all seniors residing in the province who were 65 years of age or older by October 1984.

Mr. Kerrio: We cannot do too much for our senior citizens.

Hon. Mr. Gregory: The member for Niagara Falls is right.

Sales tax grants will be mailed next month to pensioners turning 65 in November. Persons who become 65 in December should receive their sales tax grant cheques by the end of January.

Processing of property tax grant applications is continuing on a current basis with no backlogs, and PTG cheques are being mailed out as applications are received and processed. Applications for potential property tax grant recipients turning 65 in November and December will be mailed out by the end of January 1985.

As this part of the Ontario tax grant cycle comes to a close, I would once again like to thank the members and their constituency offices for their efforts in supporting this important program.

ORAL QUESTIONS

SUNCOR

Mr. Peterson: Mr. Speaker, I have a question for the Minister of Energy, who is under considerable assault these days. Everything he stands for is being assaulted by the leadership candidates.

Mr. Speaker: Question, please.

Mr. Peterson: I thought we would put our remarks in the appropriate context.

Now that at least three of the leadership aspirants have said they would divest this province of its interest in Suncor, and a number

of them have remarked that it is not worth what it was worth at one time, or at least what the government paid for it, let me ask the minister responsible for energy policy and for the stewardship of our Suncor shares, what our interest in Suncor is worth today. The province, the taxpayers, paid \$650 million for that piece of Suncor about three years ago. What is it worth today?

Hon. Mr. Andrewes: Mr. Speaker, the honourable member knows full well that the Suncor shares are not issued on the public market. Therefore, it is difficult to establish what the market value for those shares might be.

Mr. Peterson: As the minister knows, the Treasurer (Mr. Grossman), the chief bookkeeper of this province and the defender of our triple-A rating is one who said not very long ago that it is worth 60 per cent of what we paid for it. What he is saying is that we have lost \$260 million on that purchase.

Mr. Speaker: Question, please.

Mr. Peterson: Does the minister agree with the Treasurer that the taxpayers of this province have lost \$260 million if one looks at the present worth of our interest?

Hon. Mr. Andrewes: I would always want to be a part of the Treasurer's views on government policy, but I think it is probably important that the Leader of the Opposition appreciate that the Suncor purchase was based not only on equity, on a good return on the investment, but it was also a policy-driven initiative of this government. I have never heard an argument from the member against that policy.

Mr. Peterson: I am absolutely against this nonsense.

Mr. Speaker: Order.

Mr. Peterson: Mr. Speaker, on a point of privilege: On two occasions today the minister has, I am sure inadvertently, misled this House, or at least, if that is inappropriate, given false information to this House that I believe has to be corrected. First, these shares do trade on the public market. I have purchased shares on the—

Mr. Speaker: Order.

Mr. Peterson: Just a minute.

Mr. Speaker: Order. No.

Interjections.

Mr. Speaker: Will the honourable leader please resume his seat. You know as well as I do that you cannot accuse another member of misleading the House or giving false information.

Mr. Peterson: If you object to the word "inadvertently," then I will change that to say he is factually inaccurate and I ask you to let me correct the record.

Mr. Speaker: All right. Then on the other hand, it is not a point of personal privilege and I would ask you to resume your seat.

Mr. Peterson: He then went on to say that we have never disagreed with that policy.

Mr. Speaker: Order, please. Will the honourable leader please resume his seat.

Mr. Samis: Mr. Speaker, in view of the imminent change in direction in his government next month, first, can the Minister of Energy tell us, whether it is his policy today that Suncor should remain in government hands; second, would he recommend to the new Premier that the government divest itself of the ownership of Suncor?

Hon. Mr. Andrewes: Mr. Speaker, I can say to the honourable member that the policy reasons for the purchase of Suncor are probably as valid today as they were in 1981. I would also say that the pressures that created and drove that policy decision in 1981 are not as strong today and perhaps this is one of the reasons a number of people are speculating on the possibility of the government divesting itself of that interest.

I do not think anything was ever etched in stone that said the government would continue to own its shares on behalf of the taxpayers of this province forever. The government, as the Leader of the Opposition remembers, made a substantial investment in the Syncrude project. When that project came to fruition and became a reality, the government divested itself of that interest and those funds went to continue the operations of the Ontario Energy Corp.

10:10 a.m.

Mr. Peterson: I am appalled the minister does not know the answers to these questions. Does he not know that these shares trade publicly? I personally bought some a couple of years ago at \$15 a share whereas his government paid \$50 a share. He is factually inaccurate in his response to me.

Does he not agree, and will he stand up and admit as his colleagues have admitted, that it was a terrible mistake from the beginning, both from a policy point of view and a financial point of view? If he agrees with the Treasurer today that there is a loss to the taxpayers of \$260 million, that gives the present worth at about \$390 million.

In addition, does he not agree that it has cost the taxpayers of this province \$225 million out of pocket by way of carrying-costs? That is the interest after the dividends are deducted. It costs that straight from general revenue to carry the purchase. If he adds those two together, we have lost at the present time \$485 million on that \$650-million purchase. Does he not agree that only a lunatic could defend that kind of policy?

Hon. Mr. Andrewes: I do not agree. I think it is significant that the Leader of the Opposition now wants to talk about the Suncor purchase as a policy issue because it was, I believe, in the spring of 1982 when the honourable member rose in his place and asked the Premier (Mr. Davis) if the government would divest itself of its interest in Suncor to make an investment in something called Alsands. I can tell him that Suncor is still operating, viable and paying profits, doing things for Canada's energy future; Alsands is still a dream of the former federal Liberal government.

Mr. Peterson: My friend is not going to hang on to his job very long taking that point of view.

GASOLINE PRICES

Mr. Peterson: Mr. Speaker, let me ask a question about the policy aspects of this to the minister in charge of defending the consumers in this province.

I am sure he read with great alarm, as I did, the announcement by a number of oil companies that the price of gasoline this weekend will go up some 20 per cent or 10 cents a litre. I am sure the minister will admit it looks somewhat conspiratorial when all those companies get together at one time and decide to jack up the price like that.

As the minister in charge of consumer protection in this province, what is he doing to defend the interests of consumers in this province?

Hon. Mr. Elgie: Mr. Speaker, I take no backseat to anyone in protecting consumers' interests in this province. Actually, that is the main problem the opposition party has, because it is a fact and is well known.

The member knows as well that a portion of that proposed increase relates to the recent changes in the policy of the petroleum compensation charge tax. He knows competition in the marketplace has produced lower prices which we have all been fortunate to achieve. From the recent announcement of one or two companies, I gather they intend to take prices back to the levels they had normally been at prior to that. Then we will just see if competition works again in that area.

Mr. Peterson: I am talking about the conspiracy.

An hon. member: What competition?

Mr. Speaker: Order.

Hon. Mr. Elgie: What competition? If the member was not taking advantage of the competitive marketplace, that is his problem.

Mr. Peterson: What competition is the minister talking about?

Does he not agree it looks somewhat conspiratorial that they are all getting together at one point to jack up those prices? Does he not agree he has a responsibility to look into that in conjunction with his federal colleagues, with whom he is so close these days, to make sure the consumers of this province are not being ripped off, or is he standing in this House and defending this as the free working of the marketplace, something he approves of? What is his position on it?

Hon. Mr. Elgie: I hate to trouble the member with the past, but there was a fellow who once wrote that he who forgets what has gone on in the past is doomed to repeat the mistake in the future. My friend wanted to read today's paper; he should read the papers for the past couple of years.

At present, there is a restrictive trade practices hearing on the very issue of oil pricing and oil petroleum practices. The issue is already before a body that is reviewing the pricing practices and the member knows it.

Mr. Swart: Mr. Speaker, I am wondering how the minister can be so indifferent to this matter that is going to have such an effect on the consumers of Ontario and the whole inflation spiral.

Is the minister aware that the profit of the integrated oil companies went up 29 per cent in the third quarter of this year compared to last year? For the last 12 months as a whole, compared to the previous 12 months, it has gone up to \$1,171,000,000, an increase of 41 per cent.

Mr. Speaker: Now for the question, please.

Mr. Swart: Does that not cause the minister to think there should be some investigation and that he should be doing something to protect the consumers of this province, when he talks about keeping wages at five per cent?

Hon. Mr. Elgie: Mr. Speaker, the Minister of Energy (Mr. Andrewes) has just been given an excellent reason to reconsider the government's views on Suncor and I hope he was listening very carefully as we heard expounded here the massive profits being obtained in the oil industry. Perhaps he should tell our counterparts who are making statements on these issues to read those figures. Perhaps it is not such a bad thing as the gloom-and-doomsters have been telling us.

The member for Welland-Thorold (Mr. Swart) knows full well, because we have discussed it on many occasions, the active interest this minister has had in making certain that matters relating to the pricing practices of oil companies have been brought to the attention of the Restrictive Trade Practices Commission.

Mr. Swart: It has never done a thing about prices.

Hon. Mr. Elgie: I know the member would like to have duplication in the world. The member would like to have every municipality—

Mr. Martel: There is an 11-cent-a-gallon difference between leaded and unleaded gasoline.

Mr. Speaker: Order. Never mind the interjections.

Mr. Peterson: The minister knows very well that the Restrictive Trade Practices Commission hearing into this matter is reviewing practices of several years ago and is not looking at the situation today. That is the minister's responsibility.

Mindful of the minister's esteemed colleague's defence of Suncor from a policy point of view and using that interest to advance the policy interests of Ontario, will the minister, in conjunction with his colleagues, instruct Suncor not to raise its prices? Will he instruct the company to advance the interests of the consumers of Ontario by keeping its prices down and not joining this conspiracy to rip off the consumers of Ontario? Surely, if that is the minister's rationale for holding that piece of the oil company, he should exercise the great power he has now to protect people.

Hon. Mr. Elgie: I do this with great reticence, but I would again remind the Leader of the Opposition that it is always important to remember other days. He will recall, had he kept up with

the records on these issues, that the federal trade practices commission is also looking at present and more recent price practices. If he wants the facts on that, he should look back at the memos and not just look at today's memo.

ONTARIO NEW HOME WARRANTY PROGRAM

Mr. Swart: Mr. Speaker, I have another question for the Minister of Consumer and Commercial Relations. I am sure he will know that the Ontario New Home Warranty Program has established a policy, effective tomorrow, that builders must provide on every highly energy-efficient house, for a period of seven years, a bond or letter of credit or acceptable security of \$20,000 per unit built. It is said there is some undefined, greater risk with those highly energy-efficient houses.

Does the minister not realize that will stop the building of these highly energy-efficient houses, just at a time when there is a greater need for them, when the minister's federal colleagues have put up the price of oil? Is this not contrary to all the principles of conserving energy? Will the minister step in and reverse this decision?

10:20 a.m.

Hon. Mr. Elgie: Mr. Speaker, I know the honourable member himself has been a great defender on occasion of the warranty program, and on occasion has attacked the program for some perceived deficiencies in it. I hope he will agree that the warranty program, which is an independent board given a statutory basis by this Legislature, a board of the Ontario Home Builders' Association with consumer representation on it, on its own authorized the director to take certain steps in the interest of consumers.

If the member took the time to read all of the memo as distributed, he would find it also said: "As for its views on energy conservation"—and these are my views as well—"the warranty program says, 'We support innovation, experimentation, adaptation, monitoring and refining of any project, for without this kind of activity, little progress can be made.'"

What this says is they have some concern that if some problems arise in the future directly attributed to new techniques—and we know some of the problems that have occurred in tightly sealed homes—there be some provision whereby consumers down the road in the future may have some degree of protection.

More recently, the program has indicated it is prepared to entertain submissions on any other approaches that combine consumer protection,

energy innovation and builders' fair business opportunities. It is not opposed to the concept. It is saying, "Let us be certain that if consumers down the road have any problem with these, they get a degree of protection." The member, who is always speaking in the consumers' interest, should be joining in that call.

Mr. Swart: I fail to understand the reasoning of the minister at all. In fact, he did not go on to quote the second sentence.

Mr. Speaker: Question, please.

Mr. Swart: It says, "Because these units are being promoted in substantial volume, because the risk of failure is higher and more uncertain than normal, it is our view that the consumer must have this additional protection." They are applying this additional security.

Is the minister aware that small builders in particular will be put out of business by this? Two companies have informed us of their concern. In fact, this decision is opposed by the Canadian Home Builders' Association.

Did the minister receive a letter from Elizabeth White of Allen, Drerup, White Ltd., located in Toronto and Ottawa, in which she said, "We must, like every other builder in the province, participate in the new home warranty program. We are financially unable to comply with this bulletin, nor will our clients be in a position to do so. The warranty-board bulletin may well force us to shut down our construction operation as soon as our current jobs are completed."

Is the minister willing to impose this kind of thing on the builders of this province?

Hon. Mr. Elgie: I think we have to keep things in perspective and recall that the Ontario New Home Warranty Program is one that is operated by the Ontario Home Builders' Association. It is their board. They operate it and there is consumer representation on it.

All they are saying is, "We are entering into a new type of area. We agree we have to be entering this area. We do not want to be involved in anything that is perceived to be giving some disadvantages to smaller builders because that is not our intention." If the member listened to the response I gave originally, I said they have indicated they are prepared to entertain any submissions on other approaches to combine consumer protection, energy innovation and builders' fair business opportunities. That is their obligation.

If the large amounts of money from the federal government going into this project are justified, then surely the parties involved, the Minister of Energy (Mr. Andrewes) and the federal Minister

of Energy, Mines and Resources, have an opportunity and an obligation to address those concerns the protector of the consumer has in this province and welcome the opportunity they have been given to make submissions on other approaches.

I think that is dealing with the situation fairly, openly, honestly and in the interest of all parties. I am surprised the member is not taking the same position and agreeing with me.

Mr. Bradley: Mr. Speaker, would the minister not consider it to be a more reasonable approach to encourage better inspection procedures at the very beginning to avoid these problems rather than allow this bond to come forward? Would it not be a superior way of handling this since an ounce of prevention is better than a pound of cure?

Hon. Mr. Elgie: Again, Mr. Speaker, I do not want to get into detailed discussions about the kinds of concerns some would have because I happen to be, like the home warranty board, in favour of this kind of approach to the future, with its conservation needs. The honourable member knows the kinds of problems about which consumers have come to all of us in the past: about moisture and its problems, about air exchange and its problems, about the adequacy of fresh air for fires because they do not burn any other way and about the outlet for the exhaust from those fires.

All they are saying is that if new techniques are being tried, they appear to be satisfactory. I guess that is what they are saying, although it is not in the sheet. We are still at the beginning of this process. Do not consumers who are entering into this new type of home deserve some kind of assurance that if something develops as a result of these new techniques, there is something there to offer some degree of assistance to them?

The member and I have had discussions about other products that have been introduced in the past where that kind of pre-thinking about problems was not done. Instead of trying to raise these spectres of problems, which I am not trying to raise, the home warranty board is simply saying, "In case there are, let us be ready for them." I think that is positive stuff and I hope the member will support it.

Mr. Swart: Mr. Speaker, does the minister not have the news release from the Canadian Home Builders' Association in which it opposes this required security? Does he not realize the home warranty program has gone off on its own on this? As the minister responsible for consumer protection, will he intervene with the Ontario

New Home Warranty Program and ask it to reverse this decision and levy no extra charge against builders of these energy-efficient homes?

Mr. Speaker: Just before the minister answers that question, will the honourable members resume their seats, and if they have pressing business, carry it on elsewhere.

Will the Solicitor General (Mr. G. W. Taylor) resume his seat, please.

Hon. Mr. Elgie: Mr. Speaker, I would like to get it on the record that the New Democratic Party is clearly opposed to the position being taken by the Ontario New Home Warranty Program and wants it immediately to do away with any consideration of offering protection to consumers down the line in these experimental homes. If that is what the member is saying, I am glad it is there on the record.

Again, I would remind the member that the final remark I made in answer to his initial question was that the program has already indicated it is prepared to entertain submissions on other approaches that combine consumer protection, energy innovation and builders' fair business opportunities. He should be supporting that, not the concept that they should just do away with all these things before he has a full and thorough understanding of the issue.

CLOSURE OF HOMES FOR DEVELOPMENTALLY HANDICAPPED

Mr. McClellan: Mr. Speaker, I have a question for the Minister of Community and Social Services with respect to the deinstitutionalization program for the developmentally handicapped. May I ask the minister whether he remembers writing the following words to a number of members of the provincial parliament: "No facility will close until appropriate community alternatives are in place for those residents moving to the community and an appropriate alternative has been developed for those residents who continue to require an institutional setting."

10:30 a.m.

If he remembers those words, and I am sure he does, can he tell us why eight male residents who were living at the Pine Ridge centre for the developmentally handicapped in Aurora were moved when it closed on August 31, 1984, to a summer camp north of Metro called the Shadow Lake camp, which is run by the Metropolitan Toronto Association for the Mentally Retarded?

Hon. Mr. Drea: Mr. Speaker, it is my understanding they were there temporarily. As a

matter of fact, the Pine Ridge facility stayed open several weeks longer than was expected because of the placement of one or two people.

Mr. McClellan: Is the minister not aware—in my understanding at least, and perhaps the minister can confirm this for us—that the eight male residents are still living at the summer camp in November 1984? Is the minister aware the residents are living in a farm house on the summer camp which is rented out on the weekends as a money-raising venture by the MTAMR? On the weekends, the eight residents are moved to small winterized cabins on a corner of the property.

Since they have fairly severe developmental handicaps, they are not able to use the bunk beds and are sleeping on the floor in these makeshift summer camp cabins. Is that the appropriate alternative to institutional care that this government is touting in its five-year plan? What does the minister intend to do about this situation?

Hon. Mr. Drea: First, the minister will respond to this specific case on Monday. Second, I suspect it is a back-door approach by the member because of the MTAMR strike.

Mr. McClellan: It is not back door at all.

Hon. Mr. Drea: It is front door, is it?

Mr. McClellan: It is front door.

Hon. Mr. Drea: Then why does the member not have the courage to say what he is fronting for?

I will reply to this question very specifically on Monday. If the member has the motive of trying to use it as a strike weapon because he understands something else may be done with the Shadow Lake camp, then why does he not stand up and say so?

Mr. McClellan: I am sorry. I should have said six of the eight residents are still at the Shadow Lake camp.

The minister has rightly identified a concern. He can try to ascribe cynical motives if he so wishes. These are six men with fairly severe developmental handicaps who require a fairly high level of attendant care. If my information is correct, this is a disgusting situation. They have been moved from a developmental centre that was closed in August to a summer camp. They were being cared for by staff at the MTAMR who are currently on strike.

Will the minister tell us, when he reports back to the House, if he does not have the information with him today, who is providing the attendant care for the six men who are living in this summer camp?

Hon. Mr. Drea: The Shadow Lake facility is more than a summer camp. I said I would answer the question on Monday and on Monday the member will withdraw that "disgusting" remark.

ADHERENCE TO MANUAL OF ADMINISTRATION

Mr. Conway: Mr. Speaker, my question is to the Chairman of Management Board and it concerns political activity by crown employees in Ontario.

It is now eight days since I sent to the enforcer of the Public Service Act a copy of the November 20 press release from the campaign of the member for St. Andrew-St. Patrick (Mr. Grossman). The release indicated that John White and Harry Parrott, two gentlemen who would be considered to be crown employees, according to the letter of November 6 from J. J. Robinette, had joined the campaign.

Last Thursday the minister indicated he would take this matter under consideration and report back. I am wondering whether the Chairman of Management Board would care to give this House a report on what he intends to do about this political activity on the part of two crown employees.

Hon. Mr. McCague: Mr. Speaker, I have considered it. The honourable member said there were two letters in relation to exactly the same question that was raised earlier and accused me of tabling only one. It is true I tabled only one, but the second letter was not on the same subject as the first one. I have since tabled the second letter, or the first letter he referred to, in my estimates.

As I understand it, there is no obligation on the part of either Mr. White or Dr. Parrott to resign or take leave of absence because they are not part of schedule 2; as such they are not to indulge themselves in political activity during the hours in which they are serving the board or commission to which they are assigned.

Mr. Conway: Would the enforcer of the Public Service Act and the Manual of Administration not agree that both the member for St. Andrew-St. Patrick (Mr. Grossman) and he himself as the minister responsible for the Public Service Act should agree that the standard in this matter, reluctantly set by the member for Muskoka (Mr. F. S. Miller) and Lou Parsons, taking into account the November 6 letter of J. J. Robinette, is at least a minimum for the conduct of crown employees in these matters?

Hon. Mr. McCague: Mr. Parsons chose to seek leave of absence under the circumstances.

He is the campaign manager for the member for Muskoka—a good candidate and a good campaign manager. In this other case, we have another good candidate and two good supporters. As I said earlier, they are not obliged either to seek leave of absence or resign, and apparently they are not going to do so. There is nothing, even in the letter from J. J. Robinette, that says they must do either, and the member had a copy of that the other day. I will have to leave that up to them.

Mr. Philip: Mr. Speaker, does the minister not agree there is a blatant unfairness in a system whereby Mr. Parsons could, under the present act, work part-time in a very real political position, while an ordinary public servant can be sacked for even seeking the nomination of a political party? In this case, the one I gave the minister in estimates happened to be the Conservative Party.

Is there not a blatant unfairness in this? Why are you prepared to make necessary changes to see that injustice and unfairness in two rules is removed? It is a double standard.

Hon. Mr. McCague: Mr. Speaker, if the honourable member checks the record, he will find he said "why are you" when he meant to say "why are you not." He can check the record on that. The rules have been evenly applied. The members opposite seem to say from day to day there is something untoward going on here.

As I said to the member for Etobicoke (Mr. Philip) the other day, I do not recall us over here raising the devil when his party was having a leadership campaign or when the other party over there was having one. We were not nitpicking every day. Do the members not have something more in the interest of the public to talk about than what they have been raising in the past couple of weeks?

10:40 a.m.

GUN CONTROL

Mr. Philip: Mr. Speaker, I have a new question for the Attorney General concerning gun control. As the Attorney General is aware, clause 104(2)(c) of the Criminal Code of Canada was enacted but has not yet been proclaimed and put into force. The unproclaimed section requires that a person who wishes to buy firearms must produce evidence of having completed a course in the safe handling and use of firearms or taken a test related to the safe handling and use of firearms.

Given the current public interest and concern regarding violence, particularly violence

involving firearms, is the minister pressing the Attorney General of Canada to enact that section, which will give the provincial Attorney General some control over firearms in this province?

Hon. Mr. McMurtry: Mr. Speaker, the honourable member was kind enough to send me over a copy of section 104 of the Criminal Code a few minutes ago. I have not had an opportunity of reviewing it. I simply cannot advise the member at this time why that section has not been proclaimed, but I will obtain that information for him and report back to the Legislature accordingly.

Mr. Philip: When the Attorney General is studying section 104, he will be interested in the part of it that authorizes provincial Attorneys General to require information from an individual who wishes to purchase firearms where there is concern that such an acquisition might result in a threat to public safety. There are certain standards he can use.

Will the Attorney General require individuals who wish to purchase firearms to certify they have neither a history of treatment for violent crimes or mental disorders nor a history of behaviour involving firearms and threats to the lives of others?

Hon. Mr. McMurtry: I applaud and endorse the member's concern about the seriousness of this situation and the many problems related to firearm acquisition and violence in the community. I will undertake a review of that section and report back, as I said a few moments ago.

Mr. McGuigan: Mr. Speaker, while the Attorney General is doing his review, will he look into the fact it is possible for an ordinary citizen in Ontario to purchase a shotgun with a folding stock? It is a type of shotgun Ontario Provincial Police officers carry in their cars. It has a purpose in having the folding stock, but I cannot see any reason a citizen would want a shotgun with a folding stock. It means, of course, it can be carried under a coat, or concealed, which is not possible with a hunting shotgun. It has no purpose as a hunting shotgun. Will the Attorney General look into that matter?

Hon. Mr. McMurtry: Yes, Mr. Speaker.

MORGENTALER TRIAL

Mr. Sweeney: Mr. Speaker, I have a question of the Attorney General regarding the Morgentaler trial and acquittal. The Attorney General is well aware it has been three weeks since that trial. He is also aware he has, I believe, about one week left to make an official decision.

Given the fact Dr. Morgentaler has indicated he will reopen his clinics, not only in Toronto but all across Canada as well, and given the fact I have sent to the Attorney General a list of 678 people who phoned my office in a four-day period requesting the acquittal be appealed, can the Attorney General advise me whether he plans an appeal of that acquittal or what other plans he has?

Hon. Mr. McMurtry: Mr. Speaker, the decision will be made by the beginning of next week. It is my intention to advise the House of the decision to appeal or not to appeal either on Monday or Tuesday afternoon of next week. The decision has not yet been made.

The honourable member is aware of the complexities of this issue. He is particularly aware of the very deep-seated and understandably emotional controversy surrounding the whole very difficult issue of abortion. I want to advise him the decision to appeal or not to appeal will not be made on the basis of any personal views held by the Attorney General or any of his legal advisers on the very difficult issue of abortion.

I say that because, from what I have learned, most of those telephone calls were motivated by deep-seated concerns about the abortion issue. The decision that is made will be on the issue of law and not on the moral issues surrounding the whole difficult matter of abortion.

Mr. Sweeney: I want to assure the Attorney General I am well aware of the nature of the decision that is facing him and how difficult it is.

Mr. Speaker: Question, please.

Mr. Sweeney: I also want to make him aware more than 50 per cent of those calls, plus the majority of the 3,191 letters he received from my area just last Tuesday, were based almost exclusively on the legal issue. A very large segment of the people of this province is deeply offended by the fact the law was broken so openly and so admittedly. They want the Attorney General to take some action.

Mr. Speaker: Question, please.

Mr. Sweeney: Since the federal law has not changed—it is my understanding Justice Minister Crosbie has made it very clear he has not changed it and does not intend to change it, at least in the immediate future—and if Morgentaler reopens his clinic, as he says he will, does the Attorney General agree the law will have been broken again and Morgentaler should be charged again?

Hon. Mr. McMurtry: I am not going to speculate at this very difficult time about what

might happen down the road in relation to the member's views about the breaking or not breaking of the law. As the member has recognized, I have a very difficult decision to make with respect to whether this verdict of this jury should be appealed. I am not going to have anything else to say at the moment about this matter, certainly not until I make my announcement to this House at the beginning of the week.

EMPLOYMENT DEVELOPMENT FUND

Mr. Stokes: Mr. Speaker, I have a question for the Minister of Industry and Trade. Can the minister confirm whether Great Lakes Forest Products has received upwards of \$50 million by way of the employment development fund, jointly sponsored by the federal and provincial governments, for expansion in the Thunder Bay area at the same time as it is investing in a consortium with five other companies to invest \$200 million in a new plant in the United States?

Hon. F. S. Miller: Mr. Speaker, there is an answer to that, which either the Treasurer (Mr. Grossman) or the Minister of Natural Resources (Mr. Pope) should be making, not I. I will refer this to the Minister of Natural Resources as the minister more responsible.

Hon. Mr. Pope: Mr. Speaker, the answer to the question is yes, there was EDF funding, which triggered a reinvestment in the Thunder Bay-Kenora area by Great Lakes Forest Products of some \$500 million in modernization; and Great Lakes apparently has also made a decision to participate in an investment opportunity in the northwestern United States.

Mr. Stokes: Does the Minister of Natural Resources not think it would be appropriate, when we are assisting and offering incentives to Canadian companies such as Great Lakes Forest Products, to indicate that if they have funds over and above to invest they should be investing them to provide a broadening of the economic base in northern Ontario and thereby providing employment in that region, instead of investing any spare capital in the United States after having received EDF funding from this government and from the federal government?

10:50 a.m.

Hon. Mr. Pope: This goes back to a discussion we had in this House in 1980 with respect to the modernization program of the pulp and paper industry. If one goes back and looks at the records of the debates in the Legislature at that time, one will see both opposition parties are on record, at the very least, as having questioned

the wisdom of that program. In fact, the third party opposed it.

We happen to believe that a \$1.5-billion private sector reinvestment in Ontario to modernize our pulp and paper industry and to protect tens of thousands of jobs in northwestern Ontario and throughout this province was the right thing to do. We are proud that a \$130-million federal-provincial grant program triggered that \$1.5-billion modernization program. Without that kind of modernization, we would not be in the world-competitive position we are in today in northern Ontario and throughout this province in the pulp and paper industry.

Even the national president of the pulp and paperworkers' union agreed at the Abitibi opening in Iroquois Falls on August 30, 1983, that with hindsight it was the right decision to make and the modernization was needed to protect the jobs.

The opportunity in the northwestern United States related to the efforts of five newspaper chains in the United States to integrate into the paper production line. They needed a partner. They were going to do it anyway. I think it is entirely appropriate for Great Lakes Forest Products to seize that market source and to get involved in it to protect its long-term viability as a Canadian industry in the North American market.

CHILDREN'S AID SOCIETY

Mr. Kolyn: Mr. Speaker, on page M3 of this morning's edition of the *Globe and Mail* there is an article in which the Children's Aid Society of Metropolitan Toronto says service programs are to be cut. Will the Minister of Community and Social Services comment on the article? Is he going to allow those service programs to be cut?

Hon. Mr. Drea: Mr. Speaker, I am not going to allow the service programs to be cut. There is no reason for them to be cut. If those programs are cut in the children's aid budget next week, I will treat the Children's Aid Society of Metropolitan Toronto exactly as I did the Royal Ottawa Hospital. My ministry will fund directly those alternative care programs, which are very necessary and very desirable, and I will remove the money from the children's aid society budget.

I am very much surprised I was not asked this question by the other side. It seems rather unusual that I am the only one taking the pro-labour stance this morning. The head of the union there is absolutely correct. I think he is quoted correctly. He says the administration is top-heavy. Therefore, why would it cut the

service programs? Mr. Jones, the head of the union, is absolutely right and I want to associate myself with him on this matter.

Mr. McClellan: You should do it all the time.

Hon. Mr. Drea: The member does it all the time?

Mr. Peterson: Do not get mad at us; get mad at him.

Hon. Mr. Drea: I am not mad at anybody.

Mr. Speaker: I think the minister has answered the question put by the member for Lakeshore. Does the member have a supplementary?

Mr. Kolyn: Mr. Barr commented that "his agency has been cut to the bone, and the cutbacks will cost Ontario taxpayers far more in the long run because children denied care will be more disturbed when they finally do come into the system and be more expensive to treat." Does the minister agree with that statement?

Hon. Mr. Drea: No, I do not. On October 30, 1984, we wrote to the society, drawing its attention to the fact we were deeply disturbed about some of the reports that it was talking about cutting service programs when it had been advised by us, as long ago as November 29, 1983, the necessary cuts and adjustments could be made in the administrative and support areas and not in service programs.

The other point that disturbs me quite a bit is the idea that the number of children in care has increased so dramatically that while the ministry was justified in its earlier adjustments it may not be today. There are 238 front-line case workers at the Metro Toronto CAS. In December 1982, there were 1,674 children in the care of the CAS. In October 1984, there were 1,698 children, an increase of 24. That works out to a work load increase of about a 10th of a child per support worker. I could go on.

Such preventive programs as the alternative care programs are working very well. I am deeply surprised that an organization and its executive director would hold a public forum, as they did last night, which would excite and alarm parents—many of the people quoted here are parents—and front-line social workers, who are doing an outstanding job in this regard, and say they are doing it under the guise of sending "a message to Queen's Park," as is stated in the last lines in the article. They sent a message to the wrong guy. They are getting a message back; they got it earlier this morning.

COMMERCIAL FISHING QUOTAS

Mr. G. I. Miller: Mr. Speaker, I have a question for the Minister of Natural Resources

about fishing quotas for the fishermen on Lake Erie. When he began to implement the quotas, the minister indicated he would not be putting anyone in the fishing industry out of business. At a meeting in Port Dover on November 14, there was an indication the minister would review the quotas and give the fishermen larger quotas so they could survive. Has he been able to do that? Will he report it to the House?

Hon. Mr. Pope: Mr. Speaker, the meeting I had in Port Dover with the fishermen was the fourth I have attended in the past 12 months.

Mr. Elston: Did you give them the same story each time?

Hon. Mr. Pope: My friend should go there and show he is interested in the issue. They would appreciate it.

Mr. Kerrio: Who was it that caused the problem?

Hon. Mr. Pope: Who caused the problem? If my friend does not understand our international commitments on the Great Lakes in terms of the total harvest of fishery resources, then he should talk to the member for Haldimand-Norfolk (Mr. G. I. Miller), who does. We have international obligations that limit harvesting. It is our obligation to allocate that harvest among all the user groups.

On a lake-wide basis, we have given more quota of every species to the commercial fishermen of Lake Erie than they have ever fished. Therefore, it is not fair to say the assigning of quotas has caused economic problems for individual fishermen.

Of course, the allocation among basins and individual fishermen is subject to review. That is an issue the fishermen themselves have been unable to agree upon for the past seven or eight years. It is one we are willing to work on with them. It is up to them to have a consensus among their members on an alternative system.

Mr. G. I. Miller: I do not believe the minister answered the question I asked. I asked whether he has had a chance to review the quotas. I inferred from the meeting on November 14 that the minister would do that. I ask him, has he done that?

I requested a copy of the quotas across the lake as far back as July 1984. The indication of the ministry was it would provide that information. I have not received it. Will the minister provide the list of quotas and the boundaries that have been given to each quota under that system to me and other members of this Legislature?

Hon. Mr. Pope: I tabled that information in this Legislature more than three weeks ago; it is now part of the legislative record. I will get the information to the honourable member again and make sure it is available. It is contained in the federal regulation that was gazetted three weeks ago when the federal government implemented the provincial quota system.

LEGAL FEES

Mr. Samis: Mr. Speaker, will the Minister of Consumer and Commercial Relations tell us his view of the proposal of the Law Society of Upper Canada to investigate and possibly discipline those lawyers who dare to charge less than the suggested fee schedule, which is essentially a guideline set by law associations in each county and district? Would he support or oppose that?

Hon. Mr. Elgie: Mr. Speaker, as the honourable member knows, the Law Society of Upper Canada operates under a separate statute. Any questions should be directed to the Attorney General (Mr. McMurtry) when he is in the House.

11 a.m.

Mr. Samis: Since the minister does represent consumers in the cabinet and since the lawyers are under provincial jurisdiction, does he not agree that the law profession should be moving towards greater competition, not price-fixing? They should also be allowing their members to advertise their wares and services, not restricting them.

Hon. Mr. Elgie: I am not going to get involved in a matter that involves an autonomous, self-regulating body.

Mr. Conway: Mr. Speaker, I ask the minister, who is either a present or past member of that august body, the Law Society of Upper Canada, and who is paid rather well to protect the consumers of this province, whether he is telling us all he has no view, as the minister responsible for consumer protection, about plans of the law society, in whatever form, to fix prices in such a way as to hurt the millions of legal consumers in this province.

Hon. Mr. Elgie: Mr. Speaker, if the member is making a comment or suggestion or accusation of price-fixing, I think he knows the mechanisms are in place to deal with any fixing of prices.

GASOLINE PRICES

Mr. Kerrio: Mr. Speaker, I have a question for the Minister of Energy. Now that the policy on oil price increases that his federal cousins are

putting into place is going to affect gasoline prices and will probably put them over 50 cents a litre, does the minister recall the policy his government enunciated in the 1979 document Energy Security for the Eighties? It stated, and I quote, "The Toronto refinery-gate crude oil price should always be below the average US crude oil price at Chicago."

In view of the fact that the Chicago refineries might be paying \$2.50 less for Canadian crude than the same crude delivered to Toronto, I wonder whether the minister's silence might indicate that his Tory connection, Ottawa-Alberta-Ontario, is going to cause him not to respond to protect the consumers in this province.

Hon. Mr. Andrewes: Mr. Speaker, I appreciate the member's question. It is important that he realize the prices in Chicago, however he calculates them, are related to the quality of the crude that is being purchased. The price he has may not necessarily relate to crude delivered into Toronto. It is very important that we separate those two issues.

The member is correct in saying that statement was made in 1979 in the document Energy Security for the Eighties. Given the situation and the conditions we are facing in terms of energy supply in the world today, we want to be reasonable and flexible in the policies that are put in place. He should also appreciate that the government of Canada, in order to stem a deficit in the petroleum compensation charge fund, had to move the price to a level comparable to that Chicago reference price the member is referring to.

Mr. Kerrio: One would think we could take as gospel the address by the Premier (Mr. Davis) wherein he made comments on how this was going to affect the province, but he now seems to be rather quiet as well.

More specifically, does the minister recall the statements of the Premier calling for the removal of the Canadian ownership charge of 0.8 cents per litre of gasoline and 15 cents per thousand cubic feet of natural gas when the purpose of this tax has been fulfilled? Since its removal would be a major step in making gas more economical, can the minister tell us why he is not very vocal about the removal of this tax that was put in place to do a specific thing? It has been done, but the tax is still there and I wonder when the minister will say something about it. Will he say something about it?

Hon. Mr. Andrewes: The member should read his question again and realize the Canadian

ownership charge is about two cents per litre, not 20 cents per litre as he suggested.

Mr. Kerrio: I did not say "20 cents."

Hon. Mr. Andrewes: I believe, if the member will check the record, that he did.

I want it to be clear that the Canadian ownership charge has succeeded in funding the purchase of Petrofina, for which it was put in place. We will be urging our federal colleagues to remove that charge now, as they continue to address the whole energy pricing issue in their discussions with the producing provinces and with the other provinces that would benefit from the removal of that charge.

PETITION

AIR POLLUTION

Mr. G. I. Miller: Mr. Speaker, I have a petition for the Minister of the Environment (Mr. Brandt) which reads:

"We, the residents of Woodhouse Acres in Port Dover, are petitioning the minister about foul odours that are created by the sewage plant nearby. We feel the odour is harmful to human and animal health as well as infringing on our freedom to sit, walk or play outside during the time when the smell is bad.

"We know something can be done immediately to rectify this problem."

It is signed by 100 residents of Woodhouse Acres in Port Dover in the city of Nanticoke.

REPORTS

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Barlow from the standing committee on resources development reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Industry and Trade be granted to Her Majesty for the fiscal year ending March 31, 1985:

Ministry administration program, \$10,594,500; industry program, \$13,463,100; trade program, \$21,982,700; Ontario development corporations program, \$26,220,500; innovation and technology program, \$5,566,000.

STANDING COMMITTEE ON REGULATIONS AND OTHER STATUTORY INSTRUMENTS

Mr. Sheppard from the standing committee on regulations and other statutory instruments presented the following report and moved its adoption:

Your committee begs to report the following bill without amendment:

Bill Pr35, An Act to revive Bargnesi Mines Limited.

Your committee begs to report the following bill with a certain amendment:

Bill Pr44, An Act respecting the Town of Cobourg.

Motion agreed to.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Kells from the standing committee on social development presented the following report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill 93, An Act respecting Public Libraries.

Motion agreed to.

Bill ordered for third reading.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Wells moved that Mr. Villeneuve and Mr. Rotenberg exchange positions in the order of precedence for private members' public business.

Motion agreed to.

COMMITTEE BUSINESS

Hon. Mr. Wells moved that, notwithstanding standing order 65(g) respecting the publication of notice of an application for private legislation, a private bill respecting the city of St. Catharines may be introduced and given first reading and the bill may be considered by the standing committee on regulations and other statutory instruments upon the applicant filing proof with the Clerk of the Assembly that notices have been published at least two times in the Ontario Gazette and in a newspaper having general circulation in the city of St. Catharines. And that standing order 72(a) respecting notice of committee hearings be suspended for consideration of the bill by the said committee on Thursday, December 6, 1984.

Motion agreed to.

ORDERS OF THE DAY

ELECTORAL DISTRICTS REDISTRIBUTION

Hon. Mr. Wells moved, seconded by Hon. Mr. Brandt, resolution 12, that the order of the House of Thursday, June 16, 1983, authorizing

and prescribing the terms of reference of the Commission to Redistribute the Ontario Electoral Districts be amended by striking out the words "if within a period of 15 days after the report is laid before the assembly" in the 10th paragraph thereof and substituting the following therefor "if within the first eight sitting days of the 1985 session of the Legislative Assembly" so that the paragraph will read as follows:

That, if within the first eight sitting days of the 1985 session of the Legislative Assembly, an objection in writing signed by not fewer than 10 members of the assembly, in the form of a motion for consideration by the assembly, is filed with the Clerk of the House, specifying the provisions of the report objected to and the reasons for the objection, the assembly shall, within the next 15 sitting days, or such additional number of days as the assembly may order, take up the motion and consider the matter of the objection; and thereafter, the report shall be referred back to the commission by the Speaker, together with a copy of the objection and of the debates of the assembly with respect thereto for consideration by the commission, having regard to the objection; within 30 days after the day the report of the commission is referred back to it, the commission shall consider the matter of the objection and shall dispose of such objection and forthwith upon the disposition thereof a certified copy of the report of the commission, with or without amendment, shall be returned by the commission to the Speaker.

11:10 a.m.

Hon. Mr. Wells: Mr. Speaker, this motion sets in place the procedures in our original motion of June 16 concerning redistribution. It sets in place the events that will now happen following the tabling of the revised report of the redistribution commission by you. It sets in place those events that will now happen following the tabling by you of the revised report of the redistribution commission. It sets those events in place at the beginning of the 1985 session of the Legislature, rather than at present.

Motion agreed to.

Mr. Speaker: I think we are going to have a request to revert to introduction of bills because the member for St. Catharines (Mr. Bradley) missed his opportunity. Do we have unanimous consent to revert?

Agreed to.

INTRODUCTION OF BILL

CITY OF ST. CATHARINES ACT

Mr. Bradley moved, seconded by Mr. Nixon, first reading of Bill Pr40, An Act respecting the City of St. Catharines.

Motion agreed to.

BUSINESS OF THE HOUSE

Hon. Mr. Wells: Mr. Speaker, just before we resume the orders of the day, I would like to indicate the business for next week.

On Monday afternoon, December 3, we will continue with committee of the whole on Bill 101.

On Tuesday afternoon, December 4, if consideration of Bill 101 is not completed, we will continue that in committee of the whole, to be followed by second reading of Bill 145. It has been agreed that all voting will be stacked until or scheduled for 10:15 p.m. on Tuesday, December 4. On Tuesday evening we will also do second readings of Bills 17, 149 and 109. Any divisions left over from Tuesday, Monday or Friday will be stacked until 10:15 p.m. on Tuesday evening, December 4.

On Wednesday, December 5, the usual three committees have permission to meet in the morning.

On Thursday afternoon, December 6, there will be private members' ballot items in the names of the member for Dovercourt (Mr. Lupusella) and the member for Carleton East (Mr. MacQuarrie). On Thursday evening we will do committee of the whole on Bill 119 and any other bills that may still not have been completed or those that will be indicated some time before Thursday evening.

On Friday, December 7, we will consider any legislation that we have indicated will be considered that has not been completed. Then we will move to committee of the whole on Bill 141.

House in committee of the whole.

WORKERS' COMPENSATION AMENDMENT ACT

(continued)

Resuming consideration of Bill 101, An Act to amend the Workers' Compensation Act.

On section 3:

The Deputy Chairman: To carry on from where we were at our last meeting, the Minister of Labour (Mr. Ramsay) had moved an amendment to subsection 3(7). Is there any further consideration of this amendment?

Mr. Mancini: Mr. Chairman, as members of the House will recall, after lengthy debate we moved to subsection 3(7) of Bill 101, An Act to amend the Workers' Compensation Act. So that the House realizes what we are talking about, the minister has moved an amendment which states:

"Where an injury is attributable solely to the serious and wilful misconduct of the worker, no benefits or compensation are payable unless the injury results in death or serious disability."

A similar debate took place during the lengthy committee hearings, in which many members participated. It was decided during those hearings that such a subsection was unnecessary and it was removed from the bill. It was decided at that time—for very rational reasons, in my view—that such a subsection would make things very difficult for many workers who, through no fault of their own, were injured; that people who were innocent of any horseplay or people who were seriously doing their work could be affected and therefore penalized.

I mentioned to the House last week that a person could suffer an injury that at the time might not be deemed serious but that, especially if the worker is required to do repetitious work—lifting, moving in one direction or another or using one arm, wrist or elbow more than the other—might in the future cause a serious disability, jeopardize the worker's opportunity to receive any type of permanent pension and, in fact, after a good number of years, if the injury were serious enough, cause the worker to lose his or her job without receiving any benefits from the board and without being able to make a living for his or her family.

We heard a short reply from the minister. He informed us that his legal advisers in the ministry or the board informed him that we needed this subsection to help the injured workers in such instances. He told me of his great confidence in his advisers and how qualified they are, etc. The House will recall that I mentioned that the poor Minister of Natural Resources (Mr. Pope) also had great confidence in his legal advisers from the Ministry of the Attorney General over the fishing-industry dispute. They went to court seven times and the ministry's lawyers lost on each occasion.

We cannot accept the amendment. The minister may have well-schooled legal advisers, but we cannot accept the amendment simply because the minister has confidence in these people. We will not support the amendment, because we feel it will put injured workers in a position of disadvantage. Innocent people will be harmed if

we support this amendment. There is, in my view, no definition that would adequately describe serious disability.

That is one of the major problems. The other problem is—

Interjection.

Mr. Mancini: My colleague tells me the other problem is all the noise under the gallery, but we will just ignore it.

The other problem is the fact that even if the worker, using these definitions, has not suffered a serious disability, even if he or she is required to be off work for only two or three weeks, why should that worker be penalized? No one, in my view, can justify subjecting a worker who suffered an accident just by being an innocent bystander, without taking part in any serious or wilful misconduct, to any type of scrutiny whatsoever other than being paid for his or her time lost at work.

11:20 a.m.

I will end my comments there. I know the minister and the government have a majority. If they are committed to moving forward to this amendment, our options on this side of the House are limited. But our feelings are strong on this particular issue, and we wish to have them on record. We want to caution the minister and advise him to look at this again before the government uses its majority to pass such an amendment.

Mr. McClellan: Mr. Chairman, just for the record, I am filling in for my colleague the member for Dovercourt (Mr. Lupusella), who is ill today.

I do not want to prolong this debate, but I want to express some real concerns to the minister about this section. Even if his legal advice is correct and this does not pose any kind of entitlement risk to injured workers, there is a second problem, and I am not sure the minister has thought of it. It is something that leaps off the page at me when my office is still doing literally hundreds of compensation cases a year.

I have a concern that this section will be used as an excuse for litigation against injured workers by employers. We are starting to see the development of specialized legal practices, particularly in Metropolitan Toronto but in other communities as well, where lawyers are specializing in workers' compensation litigation and are selling their services to employers and employer groups.

This, of course, is the right of the employer. But I hope the minister understands what a

tremendous difficulty this kind of employer-sponsored litigation represents for the injured worker, particularly an injured worker who has been awarded an entitlement and then has the prospect of having to prepare to defend an award that has been granted; or, even worse, where the entitlement has not been granted and the employer is using this kind of clause as a way of preventing the entitlement from being awarded in order to preserve his compensation rating for assessment purposes.

We still have an adversarial system. There are still strong incentives for employers to go before the appeals process and try to obtain disentitlement decisions from the tribunal. As long as that is the case, the ministry has to be very sensitive to the kind of tremendous threat this poses to injured workers even if they are able to defend themselves successfully. It is a tremendous psychological torment for injured workers to get themselves enmeshed in the Workers' Compensation Board's appeal process. Anything that makes this more likely is the cause of enormous concern to me.

I hope the minister will try to address himself to that concern as well as to the more-narrow legal explanation for the inclusion of this section. I really do not think it is a very good idea.

Hon. Mr. Ramsay: Mr. Chairman, the member for Essex South (Mr. Mancini) suggested that I look at this again. I did just that since we were in this House discussing this matter before, and I would like to indicate my answer.

As honourable members know, the Workers' Compensation Act provides compensation only for injuries that arise out of and in the course of employment. This is clearly specified in subsection 3(1) of the act. Subsection 3(7) of the act was established to cover that small number of cases in which a worker is deliberately breaching some order or rule enforced by the employer and the worker becomes injured.

Under subsection 3(7), any permanent or fatal injury to a worker who is found as a result of an accident investigation to be guilty of wilful misconduct is compensable without regard to his or her conduct. Similarly, any temporary disability of six weeks or more is compensated regardless of any serious or wilful misconduct.

This period of temporary disability need not be consecutive for the worker to be compensated. This point was raised last week. There was some thought that he might be off for three or four weeks, then back on the job and then off again because of that injury. This covers that situation.

In the last meeting of this House in committee of the whole, the members for Dovercourt, Erie (Mr. Haggerty) and Essex South raised several questions about the proposed amendment reinstating subsection 3(4), now renumbered as subsection 3(7). I would like to address two of their comments in particular.

First, will a worker who is injured because of another's serious and wilful misconduct be eligible for compensation? Subsection 3(7), as amended, refers only to misconduct of the injured worker himself or herself, which results in injury to himself or herself. This subsection does not prevent another worker injured as the result of misconduct by a fellow worker from receiving full compensation, regardless of the extent of the injury sustained.

Second, why should the serious and wilful misconduct of a worker be considered in a no-fault insurance scheme? Subsection 3(7) is not inconsistent with the no-fault character of workers' compensation. Indeed, it is intended to make sure that even if a worker acts contrary to the rules and orders of his or her employer, compensation cannot be denied if serious or fatal injury results. This is significantly more generous than the practice of the courts, which is to reduce damages recoverable by any injured person whose conduct contributed to the injuries he or she suffered.

In summary, I can only reiterate my previous assurance to this committee that the amendment before us is to the advantage of the injured workers. Its purpose is to strengthen their entitlement to workers' compensation benefits and not to reduce it.

Mr. Mancini: The minister may be able to help me. What section of the act exempts the corporate board of directors from being sued or otherwise charged for the occupational injuries?

Mr. McClellan: Sections 5 and 6, I think.

Mr. Mancini: The point I am making is, do we not exempt corporate executives or the people on boards of directors from being sued if a worker has been injured, even though it can be proved that the job site has been wilfully neglected and people have suffered injuries because of that wilful neglect? Am I correct in saying that?

Hon. Mr. Ramsay: Yes, that is covered in section 5 of the bill.

11:30 a.m.

Mr. Mancini: I humbly submit that if it is fair for corporate executives and for people on the board of directors to be excluded from any type

of civil action because of any wilful neglect of a corporation that has caused injury to a worker, then I believe it is eminently fair to have the same set of standards apply to the workers.

We are opening up a situation here that, in my view, is going to lead to many difficulties and constant appeals at the Workers' Compensation Board. The minister, in his two and a half or three years as minister, has learned a great deal more than he already knew about the work place, about the things that happen in the work place and about the circumstances surrounding the atmosphere in the work place.

I am sure he can point out at least a dozen situations—I can point out a couple myself—in which for some reason or other the work place has been wilfully neglected, very serious injury has therefore occurred and the worker involved has had no recourse whatsoever other than to take whatever benefits he is allowed under the Workers' Compensation Act.

I have to repeat that if it is good enough for the executive side, it should be good enough for people on the employee side.

I understand the minister is stressing this will be a benefit to workers. I cannot in any logical way come to that conclusion myself, but I understand the minister's strong feelings. It is not that I believe the minister is dishonest; absolutely not. We have found him to be most honest and most forthright. It is his opinion we disagree with and it is his conclusion we disagree with, not the fact he is forthright or honest or wants to do the right thing; that has nothing to do with our position.

I also want to say to the minister that if a worker on a job site contravenes some of the rules or regulations that are put in force by the company, the company or the employer has the right to fire that individual worker. That individual worker, who may cause injury, death or serious disability to himself or to others, may and probably will be penalized by the employer.

Here we are going to have a system in which there is a double penalty. There will be a penalty from the employer and then there will be a penalty from the Workers' Compensation Board.

We just cannot accept this particular amendment. We cannot come to the same conclusion the minister has come to. We deeply regret that this amendment, after having been taken out in the committee, is now being put back in the bill.

Hon. Mr. Ramsay: I appreciate the honourable member's kind comments. It looks as though we are going to have to agree to disagree. My advice and my own instincts tell me I am

working in the best interests of the injured workers. The member opposite feels this is not the case; so I do not think I can add anything more to the debate.

Mr. Haggerty: Mr. Chairman, I want to follow the comments of my colleague the member for Essex South and agree with the views he has expressed.

I find it rather difficult in the minister's proposed amendment to section 3 of the act that where an injury is attributable solely to serious and wilful misconduct by the worker, no benefits or compensation are payable unless the injury results in death or serious disability.

That particular amendment says that in the case of death or serious disability we will allow the claim to stand if it can be proven. Then the explanatory note to section 5 says, "The exemption from civil liability that now applies to employers and employees is extended to the executive officers of employers with respect to industrial accidents."

I want to take a look at that very closely. I think the minister and the legislative counsel staff are aware that section 15, I believe it is, of the Charter of Rights and Freedoms, which is coming into effect in 1985, says one will have equality before the law now and after. I suggest having those different viewpoints expressed in those two sections of the act will no doubt cause some misunderstanding of the intent of the legislation.

In one section we want to penalize an individual employee because of wilful misconduct; yet we could have the same thing under section 5 in relation to a supervisor or a foreman employed in a company, who, looking at it from the civil action point of view, could be guilty of wilful misconduct. He may tell a person to go into an area where he knows full well there is more of a hazard than ever before. The employee could go in there and become injured, and yet that person has no recourse.

Sure, he would be compensated for it, but I look at the compensation that is being applied under this act and the compensation that is applied, for example, in civil liability courts, particularly in automobile accidents. I can think of one in the Niagara Peninsula recently where a person was injured in an automobile accident—a vertebra, I guess it was—and he was awarded somewhere around \$436,000.

I question in this part whether we are stepping on the rights of an individual by having those two sections there. In my opinion, and as the member for Essex South has put forward, it is an injustice

to have both in the bill. Either we remove both or we put both on the same track. In other words, if there is wilful misconduct on behalf of the supervisor, the foreman or somebody working for the industry in that capacity, then it should apply there too; if not, then we should remove the section the government intends to put in now, because to me it is going to be hard even to interpret that section.

There may be a permanent disability. It could be a five per cent award, a 30 per cent award or, in the case of death, full benefits to the surviving spouse. Under the act it is not going to be that much anyway, but I question whether we may be stepping on the Charter of Rights in these two sections.

The Deputy Chairman: Are we ready to vote on this amendment by Mr. Ramsay?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote stacked.

11:40 a.m.

The Deputy Chairman: Is there anything else on section 3, or shall section 3 carry, barring that amendment? Shall we vote on that and deal with the amendment later? We will leave section 3 with the amendment and move to section 5.

Mr. Martel: Section 3 is followed by section 4.

Section 4 agreed to.

On section 5:

The Deputy Chairman: Hon. Mr. Ramsay moves that subsections 5(1) and 5(2) of the bill be struck out and the following substituted therefor:

"(1) Subsection 8(1) of the said act is amended by inserting, after 'employer' in the fourth line, 'or an executive officer or director thereof.'"

"(2) Subsection 8(9) of the said act is amended by inserting, after 'schedule 1' in the fourth line, 'or any executive officer or any director.'"

He further moves that subsections 8(11) and (12) of the act, as set out in subsection 5(3) of the bill, be amended by inserting, after "executive officer" wherever that expression occurs, "or director."

Mr. Mancini: Mr. Chairman, I believe we dealt in a very cursory fashion with the minister's amendments while we were discussing his amendment to section 3. What we have here is the minister ensuring through legislation that no civil legal action will be contemplated or undertaken against an employer, executive officer or director of a company.

We are ensuring they will be free of litigation, even though wilful misconduct or negligence could be proven in court. We are assuring the executives of corporations big and small they will be safe, protected and free from any action whatever, even though they may have been wilfully negligent in ensuring the work site is safe.

The New Democratic Party is going to move this section be deleted. We are going to support the deletion of this section, principally because of what the minister has done in section 3. It has to be a two-way street; it has to be fair for both sides. In my constituency, I have seen people suffer severe injury from which they will never recover. The facts have been made available, and it is quite clear there was negligence on the part of certain employers I will not name. Thus it would be impossible for me to vote in favour of this section. I am left with no alternative but to support the motion that will be put forward by the NDP that this section be deleted.

I want to make it clear, and I want the record to show, that I am not interested in mounting an attack on corporate executives. They have grave responsibilities and their time is consumed with many items. They leave the responsibility of ensuring the work site is safe to their managers, supervisors and foremen. I understand that.

Corporate executives may not have had a direct hand in the negligence that has taken place, but because of their responsibilities and the positions they hold, they find themselves in a similar position to that of the minister, who through ministerial accountability is responsible for all actions taken by the employees who work in his ministry.

We are creating one set of standards for the employer and a second set of standards for the employees. We are not interested in mounting an attack, fairly or unfairly, on the executive directors of these corporations, but we want them to understand that what is good for them is also good for the employees. While they may not have had a hand in ensuring the work place was negligently left unsafe, the employee is in exactly the same situation; the employee had no hand whatsoever in suffering a disability that could be described under subsection 3(7) of the bill.

With those few comments, I believe I have put my party's position forward and I will wait to hear from my colleagues.

Mr. McClellan: Mr. Chairman, we too have some serious concerns about what the minister is trying to do here. In essence, what the govern-

ment is trying to do is remove the right of employees to take action against the officers of a company who may have been negligent with respect to maintaining a safe work place.

This amendment comes forward because of a decision of the Ontario Court of Appeal in 1983, the case *Beryl Bernice Berger v. Willowdale AMC et al* (1983). The Court of Appeal and the learned judge found an employee did have a right of action under the Workers' Compensation Act against executive officers of a corporation.

I want to read a couple of sections from that learned judge's decision for the record. A section of that decision is in our dissent in the report of the standing committee on resources development, on page 139. The minister is probably familiar with the section, but I want to remind him of what the judge said, because the judge made a very important point.

The judge was talking about the right of an employee to take action against the officers of a corporation, and he said,

"Undoubtedly, the legislators thought that such a provision would encourage executive officers to consider the safety of their employees and to avoid the creation or maintenance of dangerous situations. The court should be reluctant to interfere with such a legislative policy."

The judge went on to state:

"The liability of an executive officer of a corporation will, of course, be dependent upon the facts of the individual case. The factors in determining liability will include the size of the company, particularly the number of employees and the nature of the business; whether or not the danger or risk was or should have been readily apparent to the executive officer; the length of time the dangerous situation was or should have been apparent to the executive officer; whether that officer had the authority and ability to control the situation; and whether he had ready access to the means to rectify the danger."

That is from page 19 of the Berger decision.

11:50 a.m.

In the view of our party, the right of action established in the Berger case should not be removed, for the reasons set out by the judge. That right should not be removed by the minister, because it provides a valuable added protection for employees. That protection should not be removed.

We do not think it contradicts the spirit of the Workers' Compensation Act, but it does make it clear officers of corporations who are negligent with respect to work place hazards do so at their

peril. I think that is essential if we are ultimately going to get serious about work place safety and about health and safety in this province.

Keeping in mind the very stringent criteria the judge listed before liability could be found, if we simply give a blanket exemption to all executive officers and say not to mind whether they knew about the risk, whether they tolerated the risk over a long period and whether they had the means at their disposal to deal with the hazardous situation, our Workers' Compensation Act will continue to be a cheap form of insurance for employers and a means to escape from liability for negligent health and safety practices.

That is the meaning of the amendment that is being proposed by the minister; there is no other way to put it. He is letting them off the hook. He is saying, "You support workers' compensation legislation, and the tradeoff is an escape from liability for your own negligence with respect to maintaining health and safety in the work place."

The minister is making a terrible mistake. The Court of Appeal exercised a great deal of wisdom in the Beryl Berger decision in 1983. The wisdom of that decision should be placed in the legislation that is before us and should not be removed, as the minister is attempting to do this morning.

Mr. Haggerty: Mr. Chairman, I want to make some reference to the report *Reshaping Workers' Compensation for Ontario*, by Paul C. Weiler. He talks about this matter on page 136. I cannot understand why the minister would put this legislation before us, because Mr. Weiler was not conclusive in his findings; rather, he felt we should be moving to relieve employers of some of their responsibility in this area. Mr. Weiler says:

"The employer community was unanimous in the view expressed to me that it would be a step backwards to enlarge the role of tort action in handling occupational injuries in this province. In principle I agree with them. But if the current statutory line is to be held, there must be the type of comprehensive renovation of the benefit structure which I have developed in this report. It is fair to say that Ontario employers also recognize and accept this fact of life...."

"Even if one does not favour the tort action as a significant source of compensation for the injured worker, one might be induced to use it as a vehicle for penalizing an individual employer for accidents caused by egregiously unsafe practices. I heard some strong sentiments in favour of changing the Workers' Compensation Act to permit tort litigation against the employer

over and above compensation benefits in those cases where the employer's conduct was grossly negligent.

"On the surface, it is tempting to use the tort action as an instrument to deter flagrantly unsafe behaviour. On the other hand, many critics of tort law are dubious about whether the prospect of a civil damage award is a meaningful threat to corporate employers, especially in an area of widespread liability insurance.

"My point in raising the issue is not to commit myself to a firm recommendation right now. This will require a thorough analysis of the comparative worth of tort litigation (and the damage award), occupational safety regulation...and workers' compensation itself...as instruments for prodding business towards greater efforts in reducing the injury toll in Ontario work places.

"Before starting back down the path of tort litigation, might it not be wise to explore the option of more extensive use of the assessment lever of the Workers' Compensation Board? Rather than rest content with surcharges and refunds which vary with a firm's accident experience (whether measured in terms of frequency or aggregate cost), would it not make sense to vary the pension in terms of the hazardousness of the plant and the riskiness of the operation...?"

He went on to say, "This is one of the important issues in the future of workers' compensation to which I shall return in the next phase of my inquiry."

In his report, he mentioned he did not think the government should be moving to introduce an amendment to relieve the employer, the executive officers and directors of any responsibility in case of an accident. He said they do have some responsibility in this area. Under section 3 of the act, we are going to penalize an employee for wilful misconduct; we could have the same thing here, but instead the minister wants to relieve the directors or supervisors of responsibility in this area.

I do not know the end results of Mr. Weiler's report in this area, but I do not think it was meant to go this far.

Mr. Martel: Mr. Chairman, I want to say to my friend the minister that there is something wrong in what he is trying to do. I ask the minister to hark back to the Lucie Dunn case, at which time I rose in my place and asked the minister whether he would waive this and allow Lucie Dunn to sue, because Bendix was attempting to appeal a decision that had been rendered by the board. Bendix waited until the final hour

before it threatened to launch an appeal against the decision. Had she lost the hearing, it would have put Lucie Dunn in the position of not having any recourse to sue.

What the minister is doing is putting injured workers in the position of not being able to sue because the time limit has expired, as in the Lucie Dunn case. She would have had no recourse except to try to beat them with the Workers' Compensation Board itself. That was the last level of appeal. It would have taken a battery of Philadelphia lawyers to take on Bendix. The minister intervened at that time and said, and the board agreed, that Lucie could pursue her suit provided she repaid to the board any moneys she might win in a settlement. It was the only way she could protect herself.

I spoke at great length only once on this bill, on its introduction when we first came back. I spoke about toxic substances and what they do to people and about the fact we cannot get decisions because there is no agreement in the medical profession. I remind the minister of the sintering plant at Inco. I am not saying Inco knew that was hazardous, but let us just speculate for a moment. If it did, had we not had a whole barrage of deaths—more than 100 now—we would never have been able to get benefits for those workers or their wives.

12 noon

This part of the bill at least acts as a deterrent to some corporate magnate simply ignoring his responsibility because people are not going to find out or agree, and if they do they cannot sue anyway.

The inevitable day is coming when more claims will be from industrial disease than from accidents. Certainly that is being predicted. Yet only one out of 30 cancer cases is actually being recognized by the board. I am told by the medical profession that figure is way out of whack and I think even Weiler indicated that figure was way under. One of the very things that could serve as a deterrent against some corporation allowing that to continue is the threat that it could find itself before the courts. What does the government do? It makes it easier. We have no way of adjudicating many of those cases. Single incident cancer cases in a plant invariably go against the employee.

It seems to me one of the deterrents is to keep this section in the act. It says to the employer, "If you knew the worker was at risk and if you did not take the precautions necessary to protect that worker, then you are going to be held liable, personally if need be." The minister is removing

that requirement which the employer or the owner might be faced with. If the onus can fall on him, he is not going to be as willing to ignore the conditions in a work place.

Removing his liability gives him a free hand. I am not saying all employers are like that. I am not saying that for a moment. But it serves as a deterrent if the potential is there for an employer to find himself before the courts if he chooses to ignore conditions he knows are dangerous, conditions he could have remedied or rectified and chose not to. When people play around with people's lives in that fashion, they have a responsibility and they should face that possibility.

I hear a lot about capital punishment these days for madmen who run around and kill policemen. Then I look at some statistics about dead miners. If one thinks police work is dangerous, one should take a look at the lineup of the bodies of dead miners. I do not want to name the company because it is only speculation or conjecture that there might have been some problems where a number of miners were killed this past year in Ontario, but there are some very serious charges and the minister has seen those allegations in a report that was prepared.

I do not yet know whether they are right or wrong. Someone is looking into the matter. If the allegations that have been made are correct in the material that was prepared based on the investigation that was done, it will call into question this whole matter. Did management knowingly and willingly allow people to work in conditions that ultimately led to the death of a number of workers?

We have to have a deterrent in an act that says, "By God, you have a responsibility and you cannot escape it by getting the minister and the Workers' Compensation Board to withdraw that." Surely, in the final analysis, there has to be a means whereby those people are held accountable. In our opinion, as we currently see what is being done, there will be no accountability in the final analysis.

I ask the minister to look at Lucie Dunn's case before he acts. He should look at the report he received some weeks ago and the serious charges there. He should look at the litany of people dying from cancer where we cannot prove, one way or the other, whether or not it is from the environment they work in, because there is no agreement in the medical fraternity itself. In the final analysis, there should be something that says to the employers or the corporate owners they will be held responsible under the law if it is

found they are negligent and did not protect those people as best they could.

My friends opposite really must not move in this direction. I listen to Tories until I am blue in the face and almost every one is a capital punishment man. There have been more bills moved on capital punishment by Tories in Ottawa in the last couple of weeks than one can shake a stick at. What about if somebody is responsible for the deaths of employees? Should they be held as accountable? This government does not want them held accountable at all. Those beggars want them to go scot-free.

They should read the litany of the people I represent and see how many have died in the mines in the last 20 years. The minister had better take a look at those statistics, because I suspect there have been more miners killed in the last 20 years than there have been policemen killed in the last 100 years. They are expendable, though. I guess they are dumb miners who produce the wealth of this country. The government does not want anyone to be held accountable or responsible for their deaths.

It is only as the decision says. We are not saying, "Go out there and look at people in industry and line them up." We are not suggesting that sort of thing at all. We are saying what the judge has indicated. I do not think I need to read it again. My colleague read it into the record. The courts laid out what they thought.

The Minister of Labour really cannot move to take away that responsibility for those people who are responsible for workers' lives and safety. I ask the minister to reconsider. Based just on the things I have said, he might want to look back at a whole series of other cases involving occupational health.

He might want to look at Wilco where the board finally found that beggar over there had 22 people, three of them with nerve damage.

Mr. Haggerty: What about Manville?

Mr. Martel: We could deal with Manville. I started out with Lucie Dunn and Bendix. What about the Manville people? Should they get off scot-free? How many years have we known about asbestos causing mesothelioma? We knew about cancer from uranium in Poland or the Ukraine in 1919.

Doctors, people involved in the occupational health centre in Toronto, tell me today that many of the things we are dealing with have been known for 40 years and we have not moved to improve them. It would appear that what the board wants or the government of Ontario wants—I am sure they can be separated—is a

mandate to clear all those beggars if they are doing it in an irresponsible fashion when they had the knowledge to prevent it.

12:10 p.m.

The minister does not want that on his head. This means only those birds who choose to ignore improving conditions for workers will be those who will be held accountable by the act.

The workers of Manville in the United States will be able to sue, but not those here. Why are we not prepared to give employees that same protection? In fact, I am told that Manville is settling out of court just so it does not have to go through the courts. But the minister wants to remove that responsibility from the corporate sector, and I am suggesting to the minister it is only those who will be negligent, who will be totally careless about workers' safety and health who will be called forward.

I would ask the minister to reconsider seriously what he is doing before he tries to move that amendment.

Hon. Mr. Ramsay: Mr. Chairman, I have just a few comments. As members of the standing committee on resources development are aware, and these are the members who studied this matter very carefully during the committee stage, I undertook to give further consideration to the protection of corporate officials against personal liability and civil lawsuits brought by injured workers.

Bill 101 now contains a provision to protect executive officers of companies from civil liability in such situations. But, as was pointed out in committee, company directors may still be vulnerable, since many directors are not officers.

This concern about the personal liability of company officials arose after a recent Ontario Supreme Court decision in which the right to recover damages from an executive officer was upheld because he was not considered to be an employer for the purposes of the Workers' Compensation Act. The act, of course, specifically removes the right of an injured worker to sue his employer for damages suffered during the course of employment.

I am advised that the inclusion of the term "directors" along with "executive officers" is necessary to ensure uniform protection against personal liability for all company officials. No other reason is involved.

Mr. McClellan: Mr. Chairman, may I ask the minister this simple question? What about the Manville Canada workers? What will the impact of the amendment he is bringing forward be on

the victims of Manville's callous disregard of the health and safety of its workers in Canada?

My colleague has mentioned the fact that class actions and individual lawsuits against Manville are already before the courts in the United States, and Manville is already settling out of court because it is a simple fact of history that it knew about the hazard, it suppressed the information, it exposed its workers to the risks and many hundreds of workers died.

What about the Canadian workers? I want to know from the Minister of Labour how this amendment, which takes away the effect of the Beryl Berger decision, will affect those workers.

Hon. Mr. Ramsay: Mr. Chairman, I am reluctant to get drawn into a debate on this because I believe we are talking about two different things. We are simply trying to clarify a position that was established at the committee stage. We are clarifying it by adding some words we felt were appropriate under the circumstances, by inserting after "executive officer," wherever that expression occurs, "or director," for no other reason than that many directors are not officers.

Mr. McClellan: Can the minister not answer my question or is he refusing to answer my question? I am not going to drag this out, but I think it is a legitimate question to raise. I think it is incumbent on the minister to try to provide some kind of explanation.

I have said, and I will say it again, because of the history of negligence in the United States employees are able to sue Johns-Manville for the epidemic of industrial deaths for which Johns-Manville was responsible. They are already settling out of court. I want to ask what the situation will be in Ontario if this amendment goes through.

Hon. Mr. Ramsay: The situation will be no different than it was before. The workers who have asbestos-related problems will get compensation. They did not have the right to sue before and they do not have the right to sue now, so there is no difference at all.

Mr. McClellan: That answers my question. I said I would not belabour it and I will not, but that simply means workers in the United States will have the opportunity to sue a negligent employer while workers who were exposed to exactly the same history of wilful disregard for the effects of asbestos exposure in this province will have to make do with workers' compensation and the people who are responsible will get off scot-free.

Hon. Mr. Ramsay: I am not anxious to prolong this either, but we are talking about a

system that came into effect in 1915. It has worked well for Ontario and is the envy of jurisdictions in the United States. Workers in the United States do not have the coverage workers have here in Ontario. Workers' compensation was set up in 1915 on the basis that the workers would be compensated by no-fault insurance and that the employers would not be able to be sued. Nothing has changed at all.

I can appreciate the member's concern, believe me. I have had some sleepless nights over that problem. But the member is suggesting we change the whole act so a particular group of workers can now sue their employer, while no other group of workers can sue their employer under the act.

Mr. Haggerty: Mr. Chairman, I believe I said in my statement on second reading of the bill that Dow Chemical Co. in the United States was being sued now for negligence on its part in relation to occupational health and the damage done to workers there. Those workers have a right to sue.

I want to go back to the question raised by the member for Sudbury East (Mr. Martel) concerning Johns-Manville. Let us take an example and look at what happened there. I understand the plant is no longer in operation, but there is a list of injured workers who worked in that plant and who have come down with asbestos poisoning of some nature.

If a worker makes an appeal, following on Johns-Manville, he will have some difficulty in getting a settlement. As the long-term latency period is now coming to the surface, we find more and more people have been injured through an occupational disease in that industry. If they had known at the time precautions could have been taken to apply some remedy. I quoted from Weiler's report. He indicated he thought there should be some civil action available to sue as well as preventive measures taken.

12:20 p.m.

When Ontario Hydro builds a nuclear generating plant, it takes into account the human values of the persons working there and the health risks involved. When it builds that plant, it builds a certain health risk factor into it. I cannot quote the numbers now, but it may be one person in 500 in 20 years who may come down with some form of radiation poisoning.

If the minister puts this amendment in the bill, I can see new companies coming into the work force that will say: "We do not have to worry about any health safety factor here. We do not have to build a safety device here to indicate that

there will only be one death in 100 man-years," or however long they will be there, or, say, one fatality in 20 years.

I can think of some industries that are probably going to be established, particularly in the recycling of waste, that can come in and set up a plant dealing with toxic chemicals with no safety valve at all concerning the risk to a person employed there.

I would rather remove this clause to exempt civil action against the director, corporate director or officer of a company. Leave that possibility there because it will indicate that, in the case of a new industry or a new process coming into industry, there are some obligations. That is what Weiler was talking about. Tort action may lead to preventive measures.

That is the point I want to bring to the minister's attention. If he leaves it in there, I can see us going back to the old heyday and the old Tory phrase: "What are a few lives? Progress and productivity in Ontario are more important." I hope that is buried in the past.

The number of injured people who suffer from occupational diseases is just coming to light now, and they will be facing the Workers' Compensation Board with a number of appeals. Somebody is going to have to be more responsible for preventive measures.

Leaving in the bill a provision for civil action against the directors or the superior officers of a company would indicate they have some responsibility in this area and that when they bring in new production this is to be taken into consideration so there is a safety valve that can lower the risk right at the time of building the plant.

Hon. Mr. Ramsay: Mr. Chairman, I have one final comment. I cannot believe my ears. Did I hear the honourable member opposite, for whom I have tremendous respect, say that the Tory premise was, "What are a few lives?" When was that said and who said it? I do not think one can make far-reaching accusations of that nature. "What are a few lives in the interest of progress?" I cannot believe he would make that comment.

Mr. Haggerty: I make it because these comments have been made in the Legislature for a number of years before the minister's time. I suggest he and some of his colleagues over there or his assistants should read some of the comments.

Hon. Mr. Ramsay: I suggest the honourable member should produce those statements. If he is going to make them, he should produce them. It is not for me to research them; I think it is for him.

Let me make one or two more comments, my final comments on this section. We are talking about the grand and glorious United States and everything that can happen there. Fine, they can sue; but suppose the company they can sue is in bankruptcy. The only persons who will get rich over this are the lawyers, who, if there is any money, are going to get a major portion of the sums recovered. That is the way the system works there.

There are some states in the United States that will not provide compensation to these persons. They can go ahead and sue, but there is no money available, so these people are going to get nothing. This is the grand and glorious system in the United States. They are going to get nothing. Here in Ontario these people are receiving workers' compensation.

Please do not give me, "The system in the United States is better." I get so tired of sitting here and listening to statements such as: "This province is better than Ontario," "This state is better," "It is better over in Europe for severance arrangements." I always thought Ontario was a pretty decent place to live, but lately I am starting to get a little cynical. The members are starting to get to me.

Mr. Mancini: I have one final comment. Ontario is a pretty good place to live. It is a decent place. People have come to this country from other parts of the world, principally because they felt abused there or they felt there was more opportunity here. That is why the Mancini family is in Canada. We have never suggested Ontario is otherwise.

I have one last question for the minister, and then we will end the debate. I do not want to prolong it any further. If the minister's amendments in no way change the status quo, do not change what was happening before, then why do we need them? If everything is going to be exactly the same as it was, which was the impression the minister left with me, correctly or incorrectly, then why do we need these amendments?

Hon. Mr. Ramsay: We need the amendments because of what happened. Somebody decided to test the system in court, but the decision was upheld and the board was found to be correct. This simply tidies up this situation. That is all it is.

Mr. Chairman: Hon. Mr. Ramsay has moved an amendment to section 5.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote stacked.

On section 6:

Mr. McClellan: I do not have any amendments, but my understanding is that section 6 of the bill is a companion to section 5 and we will be opposing it for the same reason. I would like to see section 6 of the bill deleted. The only way I can do that is to oppose the section.

Mr. Chairman: All those in favour of section 6 standing as part of the bill will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote stacked.

Section 7 agreed to.

On section 8:

Hon. Mr. Ramsay: Section 21 of the existing Workers' Compensation Act permits either an employer or the board to require an injured worker to submit to medical examinations.

Representations were made to the standing committee urging that employers should retain their rights to mandate medical examinations of injured workers. There may be cases where it is reasonable for an employer to wish to satisfy himself about the medical condition of a worker. Nevertheless, concerns have been raised by the Ministry of the Attorney General about a possible conflict between a requirement for the medical examination of a worker and the Charter of Rights.

As a result of consultations with senior law officers of the crown, I am introducing an amendment to Bill 101 which permits employers to retain their rights to require medical examinations and which correspondingly ensures that a worker's rights of privacy or security of person are not infringed without appropriate procedural safeguards in the act which will provide access to the appeals tribunal if the worker objects to a medical examination requested by an employer.

Furthermore, the amendment provides not only for an appeal of the requirement for a medical examination, but also for an appeal on the grounds that the nature and extent of the examination which is conducted are objectionable.

12:30 p.m.

I regard this amendment as striking an appropriate balance between the right of the claimant to his or her privacy and security and the legitimate interests of employers in being able to initiate a medical assessment of the condition of injured employees.

Mr. Chairman: Hon. Mr. Ramsay moves that section 8 of the bill be struck out and the following substituted therefor:

"Sections 21 and 22 of the said act are repealed and the following substituted therefor:

"21(1) Subject to subsection 2, where an employer so requires, a worker who has made a claim for compensation, or to whom compensation is payable under this act, shall submit to a medical examination by a medical practitioner selected and paid for by the employer.

"(2) Where a worker objects to the requirement of the employer to submit to medical examination or to the nature and extent of the medical examination being conducted by a medical practitioner, the worker or the employer may, within a period of 14 days of the objection having been made, apply to the appeals tribunal to hear and determine the matter, and the appeals tribunal may set aside the requirement or order the worker to submit to and undergo a medical examination by a medical practitioner or make such further or other order as may be just."

Mr. McClellan: Mr. Chairman, I am tremendously disappointed that the minister has moved away from the position that was carried in the standing committee on resources development. The decision in the committee was to repeal sections 21 and 22. While I was not a participant in the process, I understood the reasons for that decision were a clear understanding that sections 21 and 22 represented an unconstitutional violation of the rights of the citizen and an unconstitutional and unwarranted intrusion on the rights and liberties of injured workers.

It is outrageous for employers to be able to order an injured worker to go to a medical practitioner selected by the employer. I want to stress this point. The minister is giving the employer the right to compel an injured worker to go to a doctor of the employer's own choosing. What an opportunity for collusion. Let me put it as bluntly as that. What an opportunity for a distortion of medical practice.

Is the minister saying he wants to see the same thing develop in the medical profession as is starting to develop in the legal profession, that is to say a coterie of medical practitioners who specialize in accepting referrals from employers, selected and paid for by employers? Is he saying he wants to give the Workers' Compensation Board and the act the authority to order an injured worker to submit to a physical examination by a doctor chosen, selected and paid for—bought and paid for—by the employer? It is outrageous.

Over the years, we have raised concerns about sections 21 and 22. While I do not have Hansard with me, I know I am accurate in my recollection of assurances by officials from the Workers' Compensation Board that this clause was not being used. The minister has nodded in assent.

We believed at the time that was an accurate reflection of what was happening, but now the minister comes before the House and says, "Well, we are changing our minds."

Interjection.

Mr. McClellan: With respect, he is changing his mind. Unless I completely misunderstand, he is saying an employer can order a medical examination, can select and pay for the medical practitioner, and it then becomes incumbent on the worker to understand his rights under the law and to file an objection with the appeals tribunal. The appeals tribunal can uphold, under the law, the right of the employer to order a medical examination, to select a medical practitioner and to purchase the medical service. That is my understanding of the minister's amendment.

I have to say it is outrageous. If there is a need for a medical examination of an injured worker to deal with the question of entitlement, that is the business of the Workers' Compensation Board to determine. That is why there is such an elaborate administrative structure at the Workers' Compensation Board. That is why there is a staff of medical practitioners with expertise in a whole variety of disciplines. That is why the Workers' Compensation Board now has the authority to make these determinations. That is what it is all about.

The minister is taking responsibilities that belong solely to the Workers' Compensation Board and giving them to employers, thereby giving them a coercive power which I continue to insist is a violation of rights under the Charter of Rights and Freedoms and an unwarranted intrusion on the rights of the individual subject. We are talking about forcing people to submit to physical examinations ordered by their employers for purposes of disentiitling them.

Let us not mince words. Let us not try to play cute. The reason this is before us is that all three parties were lobbied by the Council of Ontario Contractors Associations. They lobbied us, they lobbied my colleagues in the Liberal Party and they obviously lobbied the government. They lobbied us on a number of concerns and they said flat out that their top priority was to give power to employers to order medical examinations. It was the top priority of COCA. That is why it is in front of us. The ministry and the government

have been lobbied and the ministry has somehow tried to accommodate this outrageous demand on the part of employers.

I ask the minister not to proceed. I can assure him, whatever legal opinions are forthcoming from his legal staff, there will be charter challenges on this section. I hope our constitutional rights are entrenched strongly enough in the Charter of Rights and Freedoms so that this kind of measure will be ruled unconstitutional. I believe it will be.

12:40 p.m.

This kind of browbeating of the government by groups such as COCA speaks to something I do not like in this process. The government is yielding to reverse a policy that has been expressed by officials of the Ministry of Labour and the Workers' Compensation board for as long as I have been here, which is nine years.

The powers in sections 21 and 22 have not been exercised. I believe Dr. McCracken once used the phrase, "This is a dead letter," before the estimates committee. We thought it was a dead letter. Now we have this unpleasant resurrection. The minister would be well advised to go back to the old policy. Nobody needs or deserves this power. The power to order medical examinations for the purpose of determining entitlement rests solely and exclusively with the Workers' Compensation Board and with no one else. The minister should not fool around with that.

Hon. Mr. Ramsay: Mr. Chairman, I appreciate the opportunity to set the record straight. I can understand completely why the honourable member feels as he does, because the circumstances of which he is aware would indicate that. Let me assure him that is not the case. Let me go back, if I may, and retrace some of the history of the circumstances. I hope this will cast some light on the circumstances for him.

It is absolutely correct that in committee it was brought to our attention that this was a seldom-used section. We checked that out with the Workers' Compensation Board and were told the section was seldom used; so we deleted it. There was no big deal about it. It seemed like a reasonable piece of housekeeping.

It is also true that the Council of Ontario Contractors Associations came to us and wanted it left in. I have written this down, because this is exactly what I said to them: "I am not prepared to go to war with the opposition in the Legislature when we go through third reading. We have a good bill now. I would like to get it through. I would like to get it proclaimed, and I do not want to go to war with the opposition over it."

Mr. McClellan: Then the minister knows what he should do.

Hon. Mr. Ramsay: Hear me out, please. I listened to my friend.

Mr. McClellan: I am listening very carefully.

Hon. Mr. Ramsay: I then said to them: "Look, if you feel strongly about it, go to the opposition parties. If you can convince them, I will put it back in." They came to the opposition, and obviously they did not convince the opposition. They may have convinced the official opposition, but I know they did not convince the third party. As a result, I let it drop; it was back to what we had decided at the committee stage.

The member should bear in mind that the debate in this Legislature was delayed several times because of emergency debates, a no-confidence motion and so on. At least a couple of weeks went by from the time the members opposite politely told the COCA people they were not interested.

Mr. McClellan: Very politely.

Hon. Mr. Ramsay: I am sure it was very polite. In the interim, our senior counsel came to us with various matters, not just this one, relative to the bill. This was one he had some serious reservations about in respect to the Charter of Rights and Freedoms. Please do not ask me to explain what those reservations are; I am not a lawyer. As I have said before in this House, if I had my life to live over again and I knew I was going to be a legislator, I would be a lawyer first.

Mr. Mancini: Please do not say that.

Mr. Swart: Has the minister no pride at all?

Hon. Mr. Ramsay: Are there any lawyers around to help me?

Anyway, I remember my reaction when I was told. I said: "Oh, my goodness, this will all be misconstrued. Whatever you do, get a second opinion."

Mr. Stokes: Two different ones.

Hon. Mr. Ramsay: No; one. We went to the Attorney General's office and said there was urgency in getting this opinion. They responded quickly. It resulted in a succession of meetings—none of which I attended, incidentally—over the last week or two. The end result is this amendment. I assure the member very sincerely that this amendment was not brought about by the Council of Ontario Contractors Associations, because we had dropped it after he had indicated he would not go along with it.

I am very concerned about getting this bill through, and I was not prepared to have a pitched

battle in this Legislature over that phrase, that section, particularly when I was told it was seldom used. It seemed ridiculous for me to do that. However, a new dimension was introduced, and I was worried when I got the first opinion that we were going to run into all sorts of problems; so I said, "For goodness' sake, get a second opinion." That is when the Attorney General's office came in. What the members have before them today is the result of those legal opinions; it is not a result of lobbying by COCA.

Mr. McClellan: Mr. Chairman, we are no more anxious than the minister to delay the bill, and I believe we are making some strides today. I do not intend to try to hold things up. If I did not think there was not a valid constitutional challenge on this, I probably would dig in my heels at this point, have the pitched battle and let the chips fall where they may. However, I believe there will be a challenge under the charter if employers try to exercise their new rights under this section and that the charter will prevail.

If an employer wants to order a worker to undergo a medical examination, the employer does not have to apply to the appeal tribunal. The employer is given the right to order the medical examination, and it is up to the worker to object by applying to the appeal tribunal. Is that not wonderfully backwards? Does that not speak volumes about the bias of the Workers' Compensation Board in this province? The board reinstates a section that was a dead letter, which everybody agreed was offensive, and puts the onus on the worker to try to defend himself against the exercise of this offensive and arbitrary power on the part of employers.

I do not understand the mentality behind this amendment. Whether it came from the Attorney General's office, from the Ministry of Labour or from the legal staff of the Workers' Compensation Board is irrelevant to me. I find it a disgraceful piece of back-peddalling, and I do not accept the minister's argument that this is some kind of legal necessity. This is appalling legislation, and I see the heavy hand of COCA in every objectionable feature of this amendment.

Mr. Chairman: We have an amendment to section 8 by Mr. Ramsay.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote stacked.

Mr. Chairman: The vote is stacked for 10:15 p.m. on Tuesday. Section 8 is set aside.

12:50 p.m.

On section 9:

Mr. Mancini: Mr. Chairman, let me apologize to the members of the House. My colleagues and I had some amendments typed out. We are dealing with this bill on an intermittent basis and therefore I had to rewrite the amendments by hand. I am sorry they are not typed out.

I would like to move an amendment to subsection 36(7) of the act under section 9 of the bill, the section that deals with burial expenses.

Mr. McClellan: Mr. Chairman, I have an amendment to subsection 36(1). Can we do that one first?

Mr. Chairman: Yes. With due respect to the member for Essex South, I did recognize you; but if we have, as we do, an amendment for subsection 36(1), we properly should deal with it first.

Mr. McClellan: I believe the table has a copy of my amendment.

Mr. Chairman: Yes, we do. While there is one piece of paper, does the member agree that he seems to have six amendments to this section? Shall we deal with them individually?

Mr. McClellan: I am just moving the amendment that is indicated in the margin by the number "1" in a circle.

Mr. Chairman: Mr. McClellan moves that section 9 be amended by substituting the proposed subsection 36(1) as follows:

"36(1) Where death results from an injury to a worker, a spouse who survives the worker shall be entitled to,

"(a) compensation payable by way of a lump sum of \$40,000, increased by the addition of \$1,000 for each year of age of the spouse under 40 years at the time of the worker's death, but in no case shall a spouse receive a lump sum payment of more than \$60,000."

Mr. McClellan further moves that section 9 be amended by adding the following clause thereto:

"(d) This section shall provide retroactive entitlement to all spouses now living who survive workers who died as a result of a work-related injury."

Mr. McClellan: Mr. Chairman, we are again trying to deal with one of the long-standing concerns that members of the opposition have raised over the years with respect to the Workers' Compensation Act, and that is the regrettably low level of death benefits under the act and the treatment of widows and orphans of injured workers under the act.

I do not feel any need to belabour the case that has been made many times in the committee by our representatives on the committee, which has also been made every time the Workers' Compensation Act amendments have been before the assembly for increases in benefits and allowances.

In these kinds of tragic circumstances, I would hope the ministry would exercise the most compassionate generosity that is available to a modern government and can be mustered by what is still the richest province in one of the richest countries of the world.

We can afford to be generous to the widows and orphans of people who are killed on the job, and we should do it.

Mr. Chairman: If there are no other members who wish to speak, does the minister have any comments?

Hon. Mr. Ramsay: Yes, Mr. Chairman, I do have some comments.

Mr. Martel: I thought the member for Cambridge (Mr. Barlow) was going to read them for the minister.

Hon. Mr. Ramsay: The member for Cambridge is the chairman of the standing committee on resources development, which studied this for many weeks. He has been terribly interested in and concerned about this. He is not here today because it is House duty; at least I do not think that is the case. He certainly has been here on other days for that reason. He has been here because he is interested in this bill. Therefore, I was sharing with him some of the information with respect to the last item we had discussed.

I would like to make a few comments on section 9. The problem I have is that my comments will take more than the four minutes and some seconds that are left. I think it is important that it be done at a time when we can follow up on it.

Mr. McClellan: Why do we not see one o'clock, then?

Hon. Mr. Ramsay: Yes, I think that would be best, and I will open on Monday with about a full five or six minutes in relation to this section.

Mr. McClellan: That is a very helpful suggestion, Mr. Chairman. Then we can have a full debate on this whole section all at one time.

On motion by Hon. Mr. Ramsay, the committee of the whole House reported progress.

The House adjourned at 12:56 p.m.

APPENDIX

ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

WASTE DISPOSAL

515. Mr. Elston: Would the minister provide information on Huronia Sanitation's (Midland, Ont.) certificates of approval for waste management systems issued to that company by the ministry, including (a) a list of waybills for the transportation of liquid industrial wastes and sewage, including types and amounts of wastes and source and destination of wastes; (b) copies of reports on Huronia's waste disposal practices and copies of correspondence with Huronia or its operators regarding the company's practices; (c) reasons for withdrawing Huronia's certificate of approval; (d) a copy of the report which includes the role Huronia Sanitation played in the nighttime dumping of liquid industrial wastes in the Eric Pauzé landfill in Perkinsfield in January 1978; and (e) information related to Huronia Sanitation acting as a transport agent for US wastes disposed of in Ontario? [Tabled August 29, 1984]

See sessional paper 271.

CONTROL ORDERS

523. Mr. Elston: Would the Minister of the Environment provide copies of all control orders issued by the minister from January 1, 1982, to June 1, 1984? Could the minister also provide copies of any amendments issued during the same period to the ministry's control orders? [Tabled August 29, 1984]

See sessional paper 272.

EMISSION DISCHARGES

537. Mr. Elston: Would the Minister of the Environment describe the next step it plans to take to reduce acid gas emissions from the Inco Sudbury plant? When will you issue the next control order, what daily average emission level do you plan to bring the company down to, what steps do you expect the company to take to meet the new level and how much do you estimate it will cost the company, and how soon will you require the company to achieve the new level? [Tabled August 29, 1984]

Hon. Mr. Brandt: The eastern Canadian provinces and the federal government are committed to an emissions cap for eastern Canada of 2.3 million tonnes to be achieved by 1994. The

federal and provincial ministers of the Environment are in the process of developing the reduction program. Further abatement of Inco will undoubtedly be part of the eastern Canadian reduction program.

MINISTRY STAFF

554. Mr. Wildman: Would the Minister of Transportation and Communications provide the House with the following information: (a) the total number of permanent employees on the ministry staff now and in 1975; and (b) the total number of casual or contract employees hired during the fiscal year 1975?

Further, would the minister explain the changes in the level of responsibility carried out by casual employees in the administration of ministry programs; for instance, are casuales sometimes responsible now for inspection of capital construction contracts? [Tabled November 2, 1984]

Hon. Mr. Snow: Below are regular (permanent) staff and unclassified staff figures for April 1975, April 1984 and October 1984.

	Permanent or Regular Staff	Casual or Unclassified Staff
As at		
April 1975	11,224	1,129
April 1984	8,977	745
October 1984	8,821	962

There was no requirement to maintain unclassified staff figures in 1975; and the April 1975 date relates to a specific report requested by the Civil Service Commission which included unclassified staff levels at that time. For that reason, we have indicated the April 1975 regular staff figure and the April 1984 figure for regular staff as well as the current (October 1984) figures.

However, the Orders and Notices question requests "total number of casual or contract employees hired during the fiscal year 1975." The only source for such information is the unclassified payroll for the calendar year 1975. The figure provided by financial planning and administration branch for that year is 7,354. (This figure includes all unclassified employees hired for (a) winter season, (b) summer season, (c) temporary replacements for sick or otherwise

absent employees and (d) any other employee hired for as short a period as one day or for a whole year for any other purpose.)

With regard to the level of responsibility carried out by casual employees, it has been ministry practice for many years to hire casual or unclassified employees to address the seasonal peak loads which occur, and this is a practice which continues on a current basis.

We are not aware of any changes in the level of responsibility carried out by casual employees. For many years, the responsibility for inspection of capital construction contracts has been carried out by project supervisors assisted by a nucleus of regular (or permanent) staff, augmented by seasonal, casual staff dependent on the work load. The involvement of seasonal, casual staff is limited to assisting project supervisors in their inspection activities.

ROYAL ONTARIO MUSEUM

587. Mr. Grande: Will the ministry table the minutes of the meetings of the Royal Ontario Museum board of trustees from December 1983 to June 1984? [Tabled November 9, 1984]

Hon. Ms. Fish: A response to this question was provided during the ministry's estimates on November 14, 1984.

PUPIL TRANSPORTATION

588. Mr. Allen: Will the Minister of Education provide copies of Pupil Transportation Summary, dated February 14, 1984, and October 19, 1984, which provide province-wide, regional and individual school board breakdown of pupil transportation statistics for the years 1982-83 and 1983-84 respectively? [Tabled November 9, 1984]

See sessional paper 273.

MEDICAL TRANSPORTATION

550. Mr. Foulds: Would the Minister of Health inform the House of any studies or estimates done by the Ministry of Health into the cost of incorporating as a fully insured service under the Ontario health insurance plan, medically necessary travel, as determined by a qualified physician, in excess of 200 miles for residents of (a) northern Ontario and (b) the entire province either before or since May 18, 1984? Would the minister table any and all such proposals and documents related to such studies? [Tabled October 31, 1984]

Hon. Mr. Norton: The above question was answered by the Minister of Health on November 5, 1984, and recorded in Hansard.

556. Mr. Foulds: Will the ministry provide the following information on ambulance services in northern Ontario: (a) how much money was provided by the Ministry of Health and how much by the Ministry of Transportation and Communications and how much by other ministries for ambulance services north of the French River, and (b) how much was budgeted and spent for ambulance transportation north of the French River by each ministry? [Tabled November 7, 1984]

Hon. Mr. Norton: Our final response to Orders and Notices question 556 is as follows:

(a) Ministry of Health	\$24,475,753
Ministry of Northern Affairs (capital only)	\$ 3,800,000
(b) Ministry of Health	\$23,985,953
Ministry of Northern Affairs	—

557. Mr. Foulds: Will the ministry provide a breakdown of the budget spent for ambulance services north of the French River which shows the amount spent on: (a) air ambulance (1) vehicles, (2) equipment and (3) staffing; (b) land ambulance (1) vehicles, (2) equipment and (3) staffing; and (c) the total amount spent for interhospital transfers? [Tabled November 7, 1984]

Hon. Mr. Norton: Our final response to Orders and Notices question 557 is as follows:

(a) (1) Vehicles	\$12,261,600
(2) Equipment	\$ 2,060,100
(3) Staffing	\$ 1,166,800
(b) (1) Vehicles*	\$ 1,330,000
(2) Equipment	\$ 2,047,718
(3) Staffing	\$ 9,409,535

*Assumes four-year replacement cycle

(c) Cost of interhospital transfers:	
Air	\$15,488,500*
Land	\$ 3,836,176

*All interhospital trips.

558. Mr. Foulds: What northern Ontario communities rely on volunteer ambulance services? What programs does the ministry currently provide for training and monitoring volunteers? [Tabled November 7, 1984]

Hon. Mr. Norton: Our final response to Orders and Notices question 558 is as follows:

There are volunteer services in the following communities: Armstrong, Beardmore, Ear Falls, Ignace, Longlac, Nakina, Nestor Falls, Sioux Narrows, Upsala, Dubreuilville, Foleyet,

Gogama, Gore Bay, Killarney, Massey, Minde-moya, Noelville, Powassan, South River, Temagami, White River.

The basic requirement that a volunteer has to meet is a standard first aid and cardiopulmonary resuscitation certificate. The ministry provides, on request, an additional 160 hours of training, which will lead to the level of fundamentals of casualty care. Recertification training for first aid and CPR are also provided on request.

Each volunteer service is subject to a yearly inspection from the licensing and inspection section of the emergency health services division, in addition to ongoing assistance/supervision from the respective regional managers.

559. Mr. Foulds: How many private contractors are involved in the provision of air and land ambulance services north of the French River? [Tabled November 7, 1984]

Hon. Mr. Norton: Our final response to Orders and Notices question 559 is as follows: air, 40 contractors; land, 6 contractors.

560. Mr. Foulds: Will the ministry provide a breakdown of interhospital transfers from northern Ontario to southern Ontario by listing the sending centre and the receiving centre? [Tabled November 7, 1984]

Hon. Mr. Norton: Our final response to Orders and Notices question 560 is as follows:

The following is a one-month sample of transfers (782 transfers):

33% from north to teaching hospitals	259
38% from north to north	299
20% from south to north (returning)	155
9% transfers outside north	69
	<hr/> 782

561. Mr. Foulds: Will the ministry provide a breakdown of the types of cases that were carried via air ambulance from points north of the French River to points south of the French River? [Tabled November 7, 1984]

Hon. Mr. Norton: This question requires clarification as to what is meant by "types of cases"; that is, by medical condition, patient type, urgency?

562. Mr. Foulds: Will the ministry provide whatever statistical data it has from monitoring response times to calls for air ambulance services within northern Ontario? [Tabled November 7, 1984]

Hon. Mr. Norton: The ministry does not keep statistical data on response times for air ambulance calls. Response time is not considered in

the same way for air calls as it is for land. However, the dedicated aircraft respond during operating hours as follows: helicopters within 10 minutes; fixed-wing within 10 minutes

This includes such factors as flight planning, weather checks, etc. Chartered aircraft are contracted on a per-trip basis, considering such factors as type of aircraft, availability, cost. Response time, although embodied in this contracting, is not a separate factor. Average time to arrange a charter aircraft is approximately 1.5 hours.

563. Mr. Foulds: Will the ministry indicate the normal procedures which the government takes to monitor and enforce standards for air ambulances? [Tabled November 7, 1984]

Hon. Mr. Norton: Standards for aircraft and aircraft maintenance are monitored and enforced by the federal Department of Transport. Ministry-operated air ambulance aircraft are managed by ministry staff and are inspected by senior management and inspectors for compliance with ministry policy and compliance with the Ambulance Act and regulations. General monitoring of service and service-related problems occurs through investigation of complaints.

It should be noted that the ministry has recently initiated a prerequisite program for charter operators that sets minimum standards, including staffing, cleanliness, equipment. Companies meeting these standards will be eligible for charter air ambulance work and will be monitored and inspected by ministry staff. Failure to meet these standards will make them ineligible to compete for charter contracts.

564. Mr. Foulds: Will the ministry provide a list of the inspectors for land and air ambulance in northern Ontario and an outline of the duties of inspectors? [Tabled November 7, 1984]

Hon. Mr. Norton: Inspectors: Messrs. B. Oakley, J. Van Pelt, R. A. Jones and D. B. Polley.

Outline of duties: ensure that existing ambulance services and their employees comply with the Ambulance Act and regulation 14 under the act; ensure that newly implemented ambulance services comply with approved conditions of operation; investigate allegations of improper procedures and/or practices relating to the quality of patient care as well as ambulance services.

INTERIM ANSWER

552. Mr. Mancini: Will the ministry please provide the following information: (a) a comprehensive list of all crown corporations under the

jurisdiction of the province of Ontario; (b) a list of all chief executive officers, presidents and vice-presidents of all crown corporations; (c) the annual remuneration, fringe benefits and perquisites for the above positions for the fiscal years 1980 to 1984 inclusive; and (d) a list of the travel expenses incurred outside of Canada for the above during fiscal years 1980 to 1984, inclusive? [Tabled November 1, 1984]

Hon. Mr. McCague: It is hoped that an answer can be provided on or about December 31, 1984.

RESPONSES TO PETITIONS

INDEPENDENT SCHOOLS

See sessional papers 34 and 35.

Hon. Miss Stephenson: On June 12, 1984, Premier Davis announced that a commission of inquiry would be established to review the role and status of private schools in the province's education system.

The Shapiro commission, aided by a 15-member advisory committee, has been asked to assess the contribution of independent schools, identify possible alternative forms of governance for independent schools and assess whether public funding would be desirable and compatible with the nature of their independence.

The commission has been asked to complete its findings by May 1985.

COMMUNITY COLLEGE LABOUR DISPUTE

See sessional papers 205 and 234.

Hon. Miss Stephenson: The Ontario Council of Regents and the Ontario Public Service Employees Union, representing faculty in the 22 colleges of applied arts and technology, were unable to reach an agreement on a new contract. As a result, the Ontario Council of Regents requested that I intervene to end the strike and return students to classes as soon as possible.

On November 9, 1984, Bill 130 was given royal assent and faculty were legislated back to work on November 12, 1984.

MIDWIFERY

See sessional paper 231.

Hon. Mr. Norton: The health professions legislation review is examining midwifery along with all other health professions. The review has received two briefs, both of high quality, from the Midwives Coalition. It has also received comments on midwifery from several other professions.

The review has not made any recommendation to the ministry yet about midwifery. It would be premature to pass an amendment to the Health Disciplines Act outside of the review, which is designed to examine all professions in the same context.

The Legislature will be in a better position to make an informed decision on these issues and will have an appropriate opportunity to debate them when the legislation resulting from the review is introduced.

ERRATA

No.	Page	Column	Line	Should read:
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SPEAKERS IN THIS ISSUE

Andrewes, Hon. P. W., Minister of Energy (Lincoln PC)
Bradley, J. J. (St. Catharines L)
Conway, S. G. (Renfrew North L)
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)
Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)
Elgie, Hon. R. G., Minister of Consumer and Commercial Relations (York East PC)
Elston, M. J. (Huron-Bruce L)
Gregory, Hon. M. E. C., Minister of Revenue (Mississauga East PC)
Haggerty, R. (Erie L)
Jones, T., Deputy Speaker and Chairman (Mississauga North PC)
Kerrio, V. G. (Niagara Falls L)
Kolyn, A. (Lakeshore PC)
Mancini, R. (Essex South L)
Martel, E. W. (Sudbury East NDP)
McCague, Hon. G. R., Chairman, Management Board of Cabinet (Dufferin-Simcoe PC)
McClellan, R. A. (Bellwoods NDP)
McGuigan, J. F. (Kent-Elgin L)
McMurtry, Hon. R. R., Attorney General (Eglinton PC)
Miller, Hon. F. S., Minister of Industry and Trade (Muskoka PC)
Miller, G. I. (Haldimand-Norfolk L)
Peterson, D. R. (London Centre L)
Philip, E. T. (Etobicoke NDP)
Pope, Hon. A. W., Minister of Natural Resources (Cochrane South PC)
Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)
Samis, G. R. (Cornwall NDP)
Stokes, J. E. (Lake Nipigon NDP)
Swart, M. L. (Welland-Thorold NDP)
Sweeney, J. (Kitchener-Wilmot L)
Turner, Hon. J. M., Speaker (Peterborough PC)
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)





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Monday, December 3, 1984

Speaker: Honourable John M. Turner
Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, December 3, 1984

The House met at 2 p.m.

Prayers.

GASOLINE PRICES

Mr. Kerrio: Mr. Speaker, on a point of privilege; I am going to try this on you anyway. Last Friday I put a question to the Minister of Energy (Mr. Andrewes). In responding to my question he quoted some numbers that were not proper. I am not correcting him; just a moment. The minister said something to me in the form of a question. We are going to get used to answering questions. When we form the government in future, we will be doing that.

Interjections.

Mr. Kerrio: In any event, this is where I have a bit of a problem relating to my point. The minister said, "I believe, if the member will check the record, he did"—meaning I had said the wrong thing. In checking the record, I find I was as right then as I am now and the minister was wrong then.

Hon. Mr. Brandt: That is a first for the member.

Mr. Kerrio: Next the Minister of the Environment (Mr. Brandt).

Hon. Mr. Gregory: Everybody has to be right once in a while.

Mr. Speaker: Order.

Hon. Mr. Norton: Mr. Speaker, I do not want to interrupt the discussion.

Mr. Speaker: Perhaps the Minister of the Environment would like to say something first.

STATEMENTS BY THE MINISTRY

MENTAL HEALTH SERVICES

Hon. Mr. Norton: Mr. Speaker, the provision of mental health services within this province's health care system has been and continues to be a major priority of the Ministry of Health. Within recent years, we have seen many important initiatives put in place to bring about progressive change.

Our objective is the development of a balanced mental health care system in all regions and districts of the province where the appropriate institutional, hospital outreach and outpatient

programs are in place, as well as the required community-based services.

Less than 25 years ago, in 1960, for example, 0.4 per cent of all Canadians were in psychiatric institutions. Of those 75,000 patients, one half had been hospitalized for more than seven years. Long-term patients were more likely to spend their days in the institution than they were to be discharged.

Today, most psychiatric hospitalizations are short: 65 per cent of patients spend less than two weeks in hospital and nine out of 10 spend less than one month.

Thanks to improved treatment procedures, we now know that prolonged hospitalization may only aggravate the symptoms of mental illness. Improvements in drug therapies have also meant that long hospitalization is often no longer necessary.

In recognition of these changes in patterns of care, the Ontario government took the initiative to design a mental health care policy promoting the development of community-based mental health care programs.

Today, 256 community-based mental health programs are in place with a total funding allocation of \$47.5 million. In the past three years alone, Ministry of Health funding for the development of these programs has nearly tripled, from \$16.9 million to our current funding level.

Programs now in operation include community-based services in the following categories: co-ordination programs to promote an effective delivery of mental health services within a specific geographic area and to individual clients; treatment programs to provide clinical services such as assessment, diagnosis, treatment and referral as required; prevention programs to help individuals cope more effectively with daily living skills; rehabilitation programs to assist psychiatric patients to reintegrate into the community; psychogeriatric programs to provide the elderly with a broad range of appropriate care; alcohol and drug addiction programs, and supportive housing programs for discharged psychiatric patients.

The ministry has consulted with the district health councils and asked them to carry out an

assessment of existing mental health care services. The DHCs were then asked to make recommendations to me for the development of new or expanded community-based programs.

Today I am announcing new community-based mental health programs that have been approved for immediate startup; 50 new programs have been approved for funding with annual operating costs estimated at \$6.4 million. Of these programs, 18 will be for the treatment of people suffering from alcohol or drug abuse.

The programs are being allocated throughout various regions of Ontario. For example, a rehabilitation program for discharged psychiatric patients will be established in Thunder Bay, as will an alcohol and drug abuse program. A community mental health promotion and case management program will be established in Hamilton-Wentworth. A new home assistance program for sufferers of Alzheimer's disease will be established in Ottawa, along with a support program for seniors with alcohol abuse problems. A crisis intervention team for mentally ill patients will be established as a joint program of the Durham regional health unit and the Oshawa General Hospital. In Metro Toronto, four new programs will be in place, including a downtown rehabilitation program for young people and a co-operative housing program for people with chronic psychiatric problems.

In addition to these 50 new programs, the Ministry of Health has made a commitment to support the city of Toronto in establishing two model group homes for discharged psychiatric patients. This commitment is a result of the recommendations made by Dr. Reva Gerstein. The Ministry of Health will provide the city of Toronto with capital funds for the conversion of two houses to group homes that will accommodate up to 10 persons each. Funding will also be available for the provision of mental health programs for the discharged psychiatric patients living in those two group homes. With some of my cabinet colleagues, I shall be meeting with Mayor Arthur Eggleton early this month to discuss further the other recommendations of the Gerstein report.

I believe these initiatives and commitments on our part reflect the determination of the Ministry of Health to continue to provide the necessary community mental health services to people in all parts of Ontario.

AFFIRMATIVE ACTION INCENTIVE FUND

Hon. Miss Stephenson: Mr. Speaker, I am pleased to inform the House that the Ministry of

Education, in co-operation with the Office of the Deputy Premier, will be making available to school boards an affirmative action incentive fund. The incentive fund will assist boards in developing and implementing an affirmative action program for their women employees. Funds will be provided on a startup basis for the calendar years 1985 and 1986.

Under the program, the province will reimburse a board for up to 75 per cent of the cost of employing an affirmative action co-ordinator, to a maximum of \$20,000 in the first year of participation and \$18,000 in the second. School boards that have already implemented an affirmative action program will not be eligible for grants in respect of the salary of an existing co-ordinator but will be eligible to apply for funds to support special projects related to affirmative action.

2:10 p.m.

I continue to be concerned about the relative absence of women in positions of added responsibility in our school system. While slightly more than half of all the full-time educators in this province in the publicly supported schools of this province are women, women represent only 14 per cent of full-time principals and vice-principals. This is the case despite the fact that increasing numbers of women have demonstrated an interest in and now are qualified for positions of added responsibility within the schools.

For example, the number of women receiving their principal qualifications increased from 18 per cent of the total in 1975 to 33 per cent of the total in 1984. With respect to individuals receiving the supervisory officer certificate, the women have now increased fivefold from 1972 to 1984.

At the conference Focus on Leadership: Affirmative Action in School Boards, on March 29 and 30, I indicated I would be writing to all boards to encourage them to adopt affirmative action programs. I am formally requesting that each school board in Ontario adopt a formal policy of affirmative action for women employees, appoint a senior staff member to develop and co-ordinate an affirmative action plan that would identify goals and timetables for the hiring, promotion and training of women employees at all levels, including both teaching and nonteaching staff, and collect and analyse data on the occupational and salary distribution of male and female staff, job competitions, projected vacancies and staff training and development.

In addition, I am asking that all boards of education and school boards submit to the ministry a report on affirmative action for women employees. The report will form the basis of an annual report on affirmative action in school boards, which I shall table in the Legislature. The annual report will contain information on each board as well as a provincial summary.

School boards are in a unique position to act as role models for their staff and their students as well as for their communities. I am encouraged by the positive results that have already been achieved by those boards that have implemented affirmative action programs, and I am confident I can count on all the boards to take whatever steps are necessary to ensure the goal of equal employment opportunity for all women employees becomes a reality within the school system.

ORAL QUESTIONS

URBAN TRANSPORTATION DEVELOPMENT CORP. CONTRACT

Mr. Peterson: Mr. Speaker, I have a question for the Minister of Transportation and Communications with respect to the turmoil and difficulty going on at the Urban Transportation Development Corp. at the moment.

The minister will no doubt be aware we are getting conflicting signals from a number of areas about a number of the present contracts. For example, in regard to the Port Authority of New York and New Jersey contract, he will be aware that Mr. Stevenson, vice-president of corporate and public affairs at UTDC, is saying they withdrew that bid because of the strike at Thunder Bay. On the other hand, spokesmen for the port authority are giving a very different version of that story and saying UTDC was not in the running at all.

The minister is aware of the reports of the repairs to the concrete support beams in the Detroit system that are going to cost somebody money.

Mr. Speaker: Question, please.

Mr. Peterson: Mr. Speaker, I must point these things out to the minister.

Mr. Speaker: I am sure the minister is aware of them.

Mr. Peterson: He is also no doubt aware of the suggestions about the advanced light rail transit cars going to Vancouver and about the tension of the bolts. One of employees working for UTDC has spoken up and has alleged there has been an assault against him. UTDC has exercised a news blackout against the Kingston

Whig-Standard because it has been looking at these matters.

What is going on at UTDC? Has the minister had any recent reports from the president, Kirk Foley, to inform him of what is going on? Will the minister respond to these very serious charges?

Hon. Mr. Snow: Mr. Speaker, I get very frequent reports from Mr. Foley and I believe everything is going on very well at UTDC.

In regard to the New York bid, I have not been involved with the exact day-to-day details of that bid, but Mr. Foley and I discussed it in detail with UTDC. There were very severe penalties for nonconformity to the contract by way of a time limitation. The contract had to be completed by a certain date, and there were very heavy financial penalties if the contract was not completed by that date. To my knowledge, the initial papers were taken out and a study was done on the bid, but it was decided not to follow through with the bid because of the risk involved with these penalties, especially considering the labour difficulties at Thunder Bay.

I also read the press article, which states that one of the conditions was that the cars be built in New York state or in close proximity to New York City where they were going to be used, but I believe the first five cars were not to be built there. The prototypes, all the design work and all that stuff had to be done, and it was the decision of Mr. Foley and his board of directors that they were not prepared to go forward with this bid and take the risk of these very severe financial penalties if they were not able to produce on time, considering the other contracts they have on hand and considering the fact the main plant that will be doing this work is on strike at this time.

That is the main answer. The honourable member had about three other questions, but I think I have used up my time.

Mr. Peterson: The vice-president of UTDC said it was the strike and, therefore, the workers who caused this problem; and the port authority is saying it was because the work had to be done in the United States.

Mr. Speaker: Question, please.

Mr. Peterson: Whose fault was it? Very clearly the minister cannot have two different views on this situation, and I think he owes it to this House to give a very clear answer to that question when his vice-president is blaming the workers in Thunder Bay for the loss of that contract.

Hon. Mr. Snow: If the Leader of the Opposition will get Hansard later this afternoon and read my answer slowly, I am sure he will be able to comprehend that I did give him a very full and detailed explanation of why we did not proceed with that bid.

If he wants to take both sides of the story, yes, I said to him two minutes ago that the main part of the work had to be carried out in New York state. The components and what not would be supplied to some degree from Canada; but the prototypes, which are the first part—if the member can understand that; he is in the manufacturing business to some degree, I understand—have to be built first in any contract.

Because of the terms of this bid and the penalties that were provided for, the company decided to withdraw; so the uncertainty of the labour force at Thunder Bay clearly had something to do with its decision to withdraw.

Mr. Samis: Mr. Speaker, the Leader of the Opposition referred to some of the problems in Kingston as well. Does the minister support the policy of UTDC to impose a complete news blackout on the Kingston Whig-Standard, a newspaper well known to his colleague to the right?

Second, is he concerned about reports in the Whig-Standard by a former employee of UTDC that there are serious torque problems in some of the ALRT cars being shipped out to Vancouver?

Hon. Mr. Snow: Mr. Speaker, I know nothing about any blackout. I have heard the same thing, and I do not know what the reason is for the relations between UTDC and the Kingston Whig-Standard.

I have had some information from UTDC with regard to this supposed bolt problem, and I have been assured this is not the case. It is perhaps the opinion of one of the workers in the plant, who may have thought the bolts were not the right size or something; but the engineers and the people who stand behind the product claim there is no torque problem.

Mr. Peterson: Given this problem and the fact this gentleman, Mr. Steenburg, now alleges he has been assaulted because he spoke out—and he is speaking in very harsh terms about the potential safety hazards, which the minister is no doubt aware of—and given the problems in Detroit, with the escalation in costs from \$137 million to \$183 million and apparently still rising, does the minister not have the impression, as the minister responsible, that something is amiss at UTDC? Why would he not instigate an inquiry, at the very least to satisfy himself this is

not going to turn into a massive white elephant with huge financial penalties to the taxpayers of this province?

2:20 p.m.

Hon. Mr. Snow: I am certainly very much aware of what goes on at UTDC. I keep a very close watch on UTDC and I am aware of all the things the member is talking about. He is talking about a cost overrun in Detroit. In all the articles I have read and from the information I have on that cost overrun, never once, to my knowledge, has that been blamed on UTDC. There were very major design changes, station location changes and route changes after the contract was awarded. Certainly there are cost increases in the project in Detroit but they are because of design changes and other facts relating to the contract.

The member mentioned the beam problem. One of the subcontractors built certain beams that have been rejected. Those will be replaced and I understand necessary action is being taken to collect on the bond the subcontractor put up when he was awarded the contract.

Mr. Speaker: With the permission of the Leader of the Opposition, may we have unanimous consent to revert to statements?

Agreed to.

STATEMENT BY THE MINISTRY

INTRODUCTION OF ASTRONAUTS

Hon. Mr. Welch: Mr. Speaker, I draw to the attention of the members of the House some very distinguished visitors in your gallery today.

For more than 20 years, Canadians have taken a keen interest in the success of the space program in the United States of America. Because Americans are our neighbours and friends, we have always been enthusiastic supporters of their endeavours and advancements.

The contributions made by the space program under the auspices of the United States National Aeronautics and Space Administration, referred to as NASA, have touched all our lives through innovative technology, biomedical knowledge, new perceptions of the laws and principles of physics and natural science, coupled with the emotional thrill of exploring beyond earth's bounds. No greater, then, was the excitement of Canadians, young and old, when six Canadian astronauts were chosen to be part of NASA's continuing space shuttle program.

It is my distinct pleasure to present to the House today the first Canadian astronaut to visit outer space, Commander Marc Garneau.

[Applause]

I might say to Commander Garneau that the applause was a corporate pleasure in welcoming him back to Canada.

It is an additional privilege to introduce to the House today a veteran American astronaut, US Navy Commander Robert Crippen. Bob Crippen was the commander of the most-recent shuttle into space, his third flight into outer space. A second member of the team of our six Canadians in the astronaut program is also in the gallery today, Dr. Robert Thirsk.

These astronauts are accompanied by representatives of the Canadian astronaut program at the National Research Council: Dr. Karl Doetsch, Dr. Bernard Gingras, Dr. Wally Cherwinski, Ms. Lise Beaudoin and Messrs. Bernard Poirier, John Wildgust, Laurier Forget and Bruce Aitkenhead.

Perhaps a quotation from Dr. Marc Garneau best describes the importance and pride we feel as Canadians participating in the American space program: "The symbolic presence of a Canadian is not to be underrated. It will give Canadians a great deal of pride. It highlights the importance of our aerospace industry and areas where we are skilled as a nation, not just in technology but in the life sciences."

Mr. Speaker, I ask you and the members of the House to welcome to our Legislative Assembly, Commander Marc Garneau and his wife Jacqueline, Dr. Robert Thirsk and his wife Brenda, Commander Bob Crippen of NASA and members of the National Research Council team. We wish all members of the Canadian astronaut program continuing success.

Mr. Peterson: Mr. Speaker, I join my colleague the Deputy Premier in expressing a very warm welcome on behalf of the members of our party. I know that Commander Crippen and Dr. Thirsk will excuse me if I express a special pride in our own Commander Garneau. The hearts of every Canadian went with them all on that historic flight. We were particularly pleased to participate through one of our distinguished Canadians. We were always proud of our Canadarm; now we have a Canada body of which we are doubly proud.

I hope he will excuse me for taking advantage of my position, but if I send up a piece of paper, would he give me an autograph for my children, please? Thank you very much.

Mr. McClellan: Mr. Speaker, my colleagues and I in the New Democratic Party want to associate ourselves with the welcoming remarks

of the Deputy Premier and the Leader of the Opposition.

For many years, the Canadian people have taken great pride in a technological contribution to the space program, and now we have a special measure of pride in the achievement of our first astronaut.

Mr. Peterson: It is funny that we can build an arm that works in space, but cannot build a streetcar that works. However, that is another story for another day. The Minister of Transportation and Communications (Mr. Snow) could use their help after question period if they are free.

ORAL QUESTIONS

(continued)

NORTH YORK DEVELOPMENT

Mr. Peterson: Mr. Speaker, I have a question for the Chairman of Management Board of Cabinet. He will be aware of the article in today's Globe and Mail about a potential conflict of interest involving one of his colleagues and an application brought by her for an appeal from an Ontario Municipal Board hearing to the cabinet.

As the chairman of cabinet, has he determined whether there was a conflict of interest, that all the rules set forward by the Premier (Mr. Davis) have been obeyed and that there was no possibility of personal financial gain?

Hon. Mr. McCague: Mr. Speaker, we do not have many "hers" in cabinet, and I cannot recall an application brought before us by a her or a him during my term of seven or eight years in cabinet.

Mr. Peterson: I am sorry, I was operating on the premise that the Chairman of Management Board was awake during cabinet meetings. Perhaps that is unfair.

As I read the press reports, the Minister of Education (Miss Stephenson) very clearly brought an appeal at the behest of North York council, as I understand it—

Hon. Miss Stephenson: No, I did not.

Mr. Peterson: If that is incorrect, let the Chairman of Management Board stand up and tell me I am wrong. I understand she supported that appeal.

Did that take place, or is that press report inaccurate?

Hon. Miss Stephenson: Yes.

Mr. Peterson: If it is inaccurate, perhaps the minister would stand up in this House on a point of privilege and deny what was in that article today, because certainly the perception is very

bad. I think the minister might want to take advantage of this situation to clear the record.

I am asking the Chairman of Management Board this question, but if the Minister of Education is being defamed in any way I would invite her to stand in her place and correct the record, because a very serious allegation has been made.

Hon. Mr. McCague: Certainly the people on this side of the House would like to nominate the Leader of the Opposition as the next astronaut.

Hon. Mr. Pope: A one-way program.

Hon. Miss Stephenson: Commander Garneau, take pity on them, please.

Mr. Speaker: Order.

Mr. Wrye: Does the minister have an answer or not?

Hon. Mr. McCague: I certainly do. May I take my time, as members on the other side do all the time?

We are very happy to have these people back. If certain other people were there—

Hon. Mr. Pope: We would not be.

2:30 p.m.

Hon. Mr. McCague: I did not say that.

I am not sure what the nature of the question of the Leader of the Opposition is all about and, I might say, neither is he. However, we have various appeals to cabinet. They are not brought to us by ministers and very seldom by members of the opposition, either. The member for Welland-Thorold (Mr. Swart) complained about something a few years ago and has complained many times since. However—

Interjections.

Mr. Speaker: Never mind the interjections, please.

Hon. Mr. McCague: Am I taking too much time to answer?

In any event, I know the article the member is talking about. I have it here.

Mr. Breagh: When are they going to read it to the minister?

Hon. Mr. McCague: Maybe I will sit down and the member can do it now.

Mr. Breagh: I will for a fee.

Mr. McClellan: Mr. Speaker, is the Chairman of Management Board not aware that his colleague the Minister of Education, according to the Globe and Mail story this morning, made representation before the cabinet committee on legislation, which was considering an appeal against a decision of the Ontario Municipal

Board? That is simply what is reported in today's paper.

According to documents on file in the land titles office, the properties in part of the block in question, which was the subject of the Ontario Municipal Board appeal, specifically lots 47, 48, 49, 50 and 51 on Doris Avenue, and lots 52, 53, 54, 55 and 56 on Doris Avenue, belong either to the minister herself or to members of her family.

Hon. Miss Stephenson: It is not true.

Hon. Mr. McCague: Mr. Speaker, I have a lot of respect for the integrity of everybody over there and I have a little bit more for the people on this side. We have a—

Mr. Ruston: The minister has a problem and does not know how to handle it.

Hon. Mr. McCague: No, I know how to handle it. Does the member want some birdseed too?

We have a cabinet committee on legislation made up of the Provincial Secretary for Resources Development (Mr. Sterling), who is vice-chairman, the Minister of Correctional Services (Mr. Leluk), the Minister of Energy (Mr. Andrewes), the Minister of Revenue (Mr. Gregory) and the Minister of Government Services (Mr. Ashe), who happens to be absent today.

Interjections.

Hon. Mr. McCague: Mr. Speaker, they do not want to listen, do they?

Mr. Mackenzie: The minister does not want to answer either.

Hon. Mr. McCague: I certainly am going to answer the question.

Mr. Mackenzie: How long? Tomorrow?

Hon. Mr. McCague: I am going to take a lot less time than it takes the member to ask a question. The answer should be longer than the question.

We have not had at legislation committee, in the seven years or so I have been there, a member come in and make any representation to us at all. That includes a very difficult issue the Speaker had in his riding. I have never seen the Minister of Education and Colleges and Universities in there.

There is a person over there sitting beside the Leader of the Opposition who has a new haircut today. He does look a bit younger. There are those over there who have come to me as chairman of the legislation committee and said, "I think this is the way you should deal with this." I do not exempt any of the members opposite, but

I do exempt the Minister of Education and Colleges and Universities. She has never come to me and said, "This is the way I think you should deal with this."

Mr. Peterson: The minister may choose to make light of this in his own jocular way, but it is very serious and I want a definite answer out of him. Is the minister denying the press report today?

If that message was carried, that appeal from North York, then very clearly, if there was a conflict of interest, I want to know if the minister was informed of the conflict of interest or if he has made a determination as to whether there was a conflict of interest. He cannot just make light of this subject. He owes this House a clear answer.

Was the minister aware that the Minister of Education and her family had property in that district and that there was the potential for personal gain? Was that taken into consideration? Did he know about it or not? What determination was made at that point? Did he have all the information or did he not?

Hon. Mr. McCague: I have never inquired in any situation as to who the property owners were, whether it was the Stephensons in Toronto, the Pengellys in Toronto, or whoever. I have never inquired into that. That is not a part of it. It is a judgement as to whether the appeal has merit or does not have merit. If the member brings one forward, we will treat it in the same way.

Interjection.

Hon. Mr. McCague: A sanctimonious so-and-so, that is all.

Mr. McClellan: Mr. Speaker, if I may pursue this matter with the Minister of Education, perhaps she can clear it up.

I am referring to a map from the North York planning board which shows the block of properties between Yonge Street, Church Avenue, McKee Avenue and Doris Avenue. Can the minister tell us whether it is true that lots 47, 48, 49, 50 and 51 on Doris Avenue are owned by her, Bette Stephenson Pengelly, and whether lot numbers 52, 53, 54, 55 and the whole of lot 56 are owned by Robert Benjamin Stephenson, who I believe is a member of her family?

Second, has she made any representations to her cabinet colleagues with respect to the matter that was before the cabinet on appeal from the decision of the Ontario Municipal Board to deny the request for rezoning?

Hon. Miss Stephenson: Mr. Speaker, this has little to do with my responsibilities. I own the lots 47, 48, 49, 50 and 51 on Doris Avenue. My

brother does not own those other lots. He sold his property two or three years ago. He does not live there.

This is approximately halfway between the Park Home-Empress complex, which is the one in question, and the Finch Avenue complex which appears not to be in question, and is on the opposite side of the road from both of them.

I might also add that I did not make representation. I brought to the attention of my cabinet colleagues that there was concern that there needed to be an expeditious treatment of the appeal that was before the committee.

Mr. McClellan: I do not understand the nicety of that distinction.

Mr. Speaker: Question, please.

Mr. McClellan: Let me ask the minister then, since I have the minutes of the North York planning board before me for the period in question, whether it is not a fact that the minister and/or her husband made representations before the North York planning board on three separate occasions. First, on January 17, they petitioned the commissioner of planning, Mr. Bruce Davidson. They appeared at the planning board on January 26, 1983, and again on February 10—I am sorry.

They first appeared on February 10, 1982, then they appeared on January 26, 1983, and they finally appeared on March 23, 1983, at which time the North York planning board accepted the Minister of Education's representations and made the following decision: "that the properties in question be subject to a specific statement in the district 11 plan allowing mixed residential-commercial redevelopment at an FSI of 2.0 as a right and up to 3.0, subject to favourable community impact criteria."

2:40 p.m.

In other words, the property was rezoned from single-family use to a use which permits a much more intensive residential and commercial development. The minister was successful in having property she owned included in the Ramparts civic centre development and the zoning upgraded. She subsequently persuaded her cabinet colleagues to uphold that decision of the North York planning department in cabinet.

Is that not a correct version of what transpired? If it is not, would the minister please set the record straight.

Hon. Miss Stephenson: I most certainly shall. In 1981 there was a recommendation on the part of the planning board of North York to split the two blocks between Norton Avenue and

Church Avenue—McKee Avenue intervenes—into halves and allow the front half of the blocks to be part of the Yonge Street redevelopment zone.

My neighbours and I—five on Doris Avenue, my mother and one other; I think the letter that was sent to the North York planning board was written by Mrs. Maureen Moffatt—appeared at the request of the board in support of that letter, stating that we thought splitting blocks was bad planning. We asked specifically either to be left out of the area or to be included totally within the area, rather than splitting the blocks.

That was the extent of my appearance. That was the only time I have appeared on two occasions. I did not appear on the third occasion or make representation, and if I appeared, it was at the end of the meeting; I cannot remember at this point.

I made one representation, which I think was in January or February 1983, and that was it. That was in support of the letter we had sent the year earlier. I do not believe the decision was accepted. The planning board made the recommendation to North York council, and I do not think it was accepted by North York council. To my knowledge, no rezoning has taken place.

Mr. Peterson: It seems to me the minister—

Mr. Speaker: Order.

Hon. Miss Stephenson: Mr. Speaker, on a point of order and personal privilege as well: The property I am talking about is five city blocks north of the property that was appealed to cabinet by the municipality. It is on the opposite side of Yonge Street and it is not on Yonge Street.

Mr. Peterson: Mr. Speaker, I understand that and I respect the minister's right to appear at a planning board meeting, which is public, and put her case as any citizen would do. That is not the issue at stake.

The minister has just told this House that she asked her colleagues to move expeditiously. I think that is her quote. In other words, she did intervene in that particular situation to ask them to move with dispatch.

Did the minister at that time tell any of her colleagues—the chairman of cabinet, the Premier (Mr. Davis) or anyone else—that there was a potential conflict of interest in her case and that they should review her advice from that point of view?

Hon. Miss Stephenson: Mr. Speaker, I do not believe there was or is a conflict of interest. I simply reported that the council of North York in the vast majority—I think all the members of

council except three—were in support of the appeal they had put forward. I reported that to cabinet and reported as well that they felt it appropriate it be dealt with rapidly. I do not believe that is a conflict of interest.

Mr. McClellan: For the record, the minutes of the planning board of North York dated March 23, 1983—

Mr. Speaker: Question, please.

Mr. McClellan: —show the minister was present at the meeting, and that the planning board accepted her proposal for including the block within the development area and that rezoning was granted.

Mr. Speaker: Question, please.

Mr. McClellan: I want to ask the minister whether she has received a copy of a letter from a Dr. Andrew I. M. Armstrong, dated May 31, 1983, written to the planning commissioner, Mr. A. B. Davidson of North York.

It concludes as follows: "I was disappointed that the planning board acted on the recommendation of six residents who stand to gain financially by rezoning of the land on the west side of Doris between Norton and Church Avenue. There was no opportunity for public discussion prior to this approval.

"I was also disappointed by the attempt to pass this through council four weeks before the release of the official plan. I can only think that undue influence from one of the six residents, a member of the Ontario cabinet, was used."

Mr. Speaker: Question, please.

Mr. McClellan: In the light of the comments made by Mr. McKeough at the time of his resignation in 1972, "What is at issue here is confidence in the integrity of the system, that doubts have been raised and, as these doubts may continue to be raised as long as I am a member of this cabinet,..." and he then proceeded to resign his seat, does the minister not understand that she has used her cabinet position to persuade her colleagues to reverse a decision of the Ontario Municipal Board in a situation in which she stands to make a financial gain?

Hon. Miss Stephenson: I think I have already told the honourable member that the recommendation of the planning board was not accepted by the council of North York. To my knowledge, it has never been accepted by the council and, to my knowledge, there has never been any change in the zoning.

I have not been so notified at all. If there has been a change, it is a very great surprise to me because I have never heard that this has been

done. North York council moved to do other things rather than to do the rezoning it had been talking about. It moved to do a review of the entire Yonge Street strip—or Yonge Street corridor, not strip, since that is another part of Yonge Street, I gather.

I do not believe I am in a conflict of interest because I own no property adjacent to the area about which the cabinet committee on legislation made a recommendation. It was that committee that made the recommendation. I did not make an appeal to it, except to tell it that council felt it appropriate that it be dealt with expeditiously, whichever way it decided to deal with it.

PLANT SHUTDOWNS

Mr. Mackenzie: Mr. Speaker, I have a question of the Minister of Labour. Is the minister aware of the latest plant closure in Hamilton? The workers at the Stuart Street plant of Canron in Hamilton, who are members of Local 4213 of the United Steelworkers of America, were notified this morning that the plant would close permanently on February 1, 1985, continuing our slide into deindustrialization and causing another 60 jobs to be lost.

Hon. Mr. Ramsay: Mr. Speaker, I am aware of it.

Mr. Mackenzie: Can the minister tell us what discussions he had with the company before this announcement? Can he tell us specifically what effect the loss to Springfield, Ohio, of the order for pulp and paper refiner plates some few months ago had on this decision? Can he also tell us if this product can be sourced at any other Canadian manufacturer?

Hon. Mr. Ramsay: I met at 6:30 a.m. on Wednesday past with a vice-president of Canron to discuss the matter. He advised me then of the company's plans. Yes, the loss of a contract to Springfield in the United States did have an effect on the company's decision.

Mr. Mancini: Mr. Speaker, is the Minister of Labour going to have a meeting in this situation similar to the one he afforded the member for Simcoe Centre (Mr. G. W. Taylor) when the closure of Black and Decker was announced? Is he going to have a meeting to which he will invite a representative of the New Democratic Party and a representative of the Liberal Party, so we can question these people and try to obtain information about whether or not the closure is a valid economic decision or one that is based solely on trying to move business outside Canada yet have a market to sell to inside Canada?

Hon. Mr. Ramsay: Mr. Speaker, if I receive a request from the union in question, I will be happy to have such a meeting.

Mr. Mackenzie: Mr. Speaker, the minister did not respond to my question about whether or not these pulp and paper refiner plates can be sourced by any other Canadian manufacturer, and I would like an answer to it.

As well, given the endless list of plant closures, which seem to make Canada the free world's patsy when it comes to protecting workers' jobs, will the minister not now seriously consider the re-establishment of the select committee on plant shutdowns with a broader mandate to look not only at the question of branch plants but also at the question of Canadian sourcing?

Hon. Mr. Ramsay: I have a qualified answer to the honourable member. I do not believe there is other Canadian sourcing. We did discuss that, but I do not have my notes of the meeting here and I do not want to give the member an erroneous statement. The question was asked, and I believe the answer was that there is no sourcing elsewhere in Canada, but I will check it.

2:50 p.m.

Concerning whether I would give serious consideration to the re-establishment of the select committee on plant shutdowns, it is something I have been considering during the past number of months. I must put on the record again, in fairness, that the member for Hamilton East is suggesting we have a rash of closures at this time. I admit it would appear that way. Many have occurred in a short period of time and a lot of them are serious.

However, if the member would look at the record for the first eight months of this year, he will find there has been a decrease of about 30 per cent from last year in actual closures and workers affected. Last year there was a decrease of approximately 66 per cent from the year before.

The worst is over. That still does not make any closure any more acceptable, whether it is one person, 500 persons or 60 persons, as in the case of Canron. I readily admit that. Each one is tragic in its own way, but each one is being treated in the best possible manner by our people.

ADHERENCE TO MANUAL OF ADMINISTRATION

Mr. Mancini: Mr. Speaker, I have a question for the Chairman of Management Board of Cabinet. He is aware of—and we have brought to his attention—some political activity by crown employees. When I am placing a question to a

minister, I find it somewhat offensive that he hide behind a large piece of paper. I am not sure what he is—

Mr. Speaker: Order. Would the honourable member please place his question.

Mr. Mancini: The Public Service Act and the Manual of Administration forbid any crown employee from associating his or her position in the service of the crown with any political party. Last week my colleague the member for Renfrew North (Mr. Conway) brought to the minister's attention the case of Mr. Harry Parrott and Mr. John White, who are working on the leadership campaign of the Treasurer (Mr. Grossman) despite the fact they are both crown employees.

Mr. Speaker: Question, please.

Mr. Mancini: Since the minister responsible for enforcing the rules refuses to take any action in those circumstances, I would like to bring to his attention yet another violation of the rules.

Is the minister aware that a few months ago Mr. Clare Westcott, the executive director of the Premier's office, a full-time schedule 2 crown employee, spoke at a Tory fund-raising dinner which was broadcast on Rogers Cable, and that in October Mr. Westcott attended yet another Tory fund-raising dinner to hear the Premier?

Does the minister not feel Mr. Westcott is clearly associating himself with a political party in contravention of the rules? What does he intend to do about these contraventions?

Hon. Mr. McCague: Mr. Speaker, I will be happy to look into the kinds of things the opposition members keep talking about. I am a little concerned that those are the kinds of things they think are the affairs of the nation today, with all the other problems we have, but I will look into it for the member and get back to him.

Mr. Mancini: One of the major problems we have in this province is the politicization of the public service. That is a major problem, and the people opposite are directly responsible for it.

Mr. Speaker: Question, please.

Mr. Mancini: We have brought to the attention of the Chairman of Management Board other examples of the rules on political activity being ignored by high-ranking friends of the Tory party.

Mr. Speaker: Place your question please.

Mr. Mancini: In light of these violations, will the minister, in his capacity as the guardian of public confidence in the neutrality of our public service in Ontario, tell us if he has been made

aware of the recent comments of his colleague the Treasurer, who is a leadership candidate?

The Treasurer is quoted as promising to increase patronage appointments if he becomes Premier and even to go so far as to open a northern party patronage office to sift through the best jobs in the government for people in the north who—and I quote the Treasurer's own words—"have always been Tories and will continue to be."

Will the minister tell us whether he is concerned about the morality of government jobs being filtered through a party patronage office? How will the Chairman of Management Board, as the minister responsible for the Civil Service Commission, prevent our public service from being flooded with Tory hacks?

Hon. Mr. McCague: The question the honourable member has asked will not get him any press and neither will the answer I am not going to give.

AVIATION AND FIRE MANAGEMENT CENTRES

Mr. Wildman: Mr. Speaker, I have a question for the Minister of Natural Resources.

Interjections.

Mr. Speaker: Order. Will the honourable member please place his question.

Mr. Wildman: I was trying to.

I have a question for the Minister of Natural Resources related to the scathing indictment of the aviation and fire management centres of Sault Ste. Marie, Timmins and Toronto by the regional director of the Department of Transport in a report dated October 15 concerning the serious problems with airworthiness, maintenance and inspections of the ministry air fleet which were found in the Department of Transport's September inspection. I am particularly concerned about the risks faced by pilots and passengers.

Is the minister aware the Department of Transport concluded that his ministry was not complying with DOT regulations, air navigation orders and engineering and inspection manuals; that the Ministry of Natural Resources had deferred needed repairs of aircraft defects of airworthiness and had not adequately monitored such deferrals; that MNR had failed to ensure that all maintenance personnel were familiar with and adhered to DOT regulations and the ministry's own quality control manual; that MNR has insufficient personnel and organization to monitor the maintenance and inspection of aircraft to ensure airworthiness; that MNR did not do maintenance according to up-to-date manu-

facturers' manuals; and that there was inadequate training and upgrading programs for maintenance staff?

Can he confirm that these problems are related to attempts to cut costs and to freeze hiring by his ministry at the expense of safety for pilots and for the public that use government aircraft?

Hon. Mr. Pope: Mr. Speaker, I have the utmost confidence in the experience and qualifications of all the staff employed by the Ministry of Natural Resources and, in particular, those employed at the aviation and fire management centre in Sault Ste. Marie and throughout Ontario. The DOT should be doing more with its time than trying to cross-analyse another government agency.

Mr. Wildman: Can the minister explain why the chief inspector of the aviation and fire management centre does not have DOT approval to sign reports on airworthiness, which he must have according to DOT regulations? Can he explain why the former chief inspector is still signing reports even though he now has another job? Can he explain why maintenance supervisors double as quality control officials? Does he not recognize this as a conflict of interest that endangers air safety? Is it not time the minister responded? What is he going to tell DOT at the meeting on December 21?

Hon. Mr. Pope: What I am tempted to tell them or what we will tell them?

We have a high quality of maintenance and safety inspection in the Ministry of Natural Resources. We have a record that is second to none in this province and in North America. The Department of Transport is able to discuss these problems with our highly qualified staff as often as it wants. I am satisfied we are providing a high quality of aviation service to the people of this province.

CAN-CAR LABOUR DISPUTE

Mr. Hennessy: Mr. Speaker, I direct my question to the Minister of Labour. I have in front of me an article from the Times-News of Thunder Bay entitled "Can-Car Mediator Not Seen, Heard," which reads as follows:

"The Urban Transportation Development Corp., Can-Car Rail's parent, says it's received no word about negotiations from an assistant deputy minister supposedly appointed to mediate the company's dispute with 450 auto workers.

"We are aware that (Victor) Pathe was said in the Legislature to be the mediator," said Phil Stevenson, UTDC's vice-president of public

relations Wednesday. 'But as far as we know he hasn't contacted us or the union.'"

Will the minister give me a suitable answer in regard to when the negotiations are going to take place?

3 p.m.

Hon. Mr. Ramsay: Mr. Speaker, I have a copy of that clipping here. As I indicated to the honourable member when he asked me the question in the House, Vic Pathe, our assistant deputy minister, would get involved. He has become involved. He held a meeting with Bob White, the Canadian director of the United Auto Workers, and Kirk Foley, the president of UTDC.

That was an exploratory meeting to see whether there was some common ground to resume mediation. Regrettably, the meeting did not uncover any common ground at this time for a resumption of mediation efforts, but that does not mean Mr. Pathe is not in constant touch with the individuals concerned. When the time seems appropriate, he will bring them together.

He did not deal with the people in Thunder Bay, as the article indicates, but he did deal with the senior persons on both sides of the issue, which I think is in response to the question and the request made to me by the member.

Mr. Hennessy: With the strike now in its third week and Christmas coming on, the workers are going to experience a bleak Christmas and a very difficult time. I would like to impress on the minister to use his powers to try to get the two sides together as soon as possible, because things are getting worse instead of better.

WINDSOR VACANCY RATE

Mr. Wrye: Mr. Speaker, the Minister of Municipal Affairs and Housing will be aware that the Canada Mortgage and Housing Corp. figures for October indicate a vacancy rate of just 0.7 per cent in Windsor and Essex county. I am sure he knows the current waiting list for Ontario Housing Corp. units in the community is about 400 families and seniors. Also, several hundred additional refugees who come to Windsor each year find housing is literally nonexistent.

What is the minister doing to overcome this desperate lack of affordable, decent, low-cost housing? In the absence of any building in the private market, will he make a commitment that his ministry and this government will get back into the housebuilding business in my community?

Hon. Mr. Bennett: Mr. Speaker, the honourable member will recall that not many months

ago we were dealing with the reverse situation in Windsor. Landlords and others were complaining that the vacancy rate was extremely high, seven per cent or greater, and they were looking for some ways to try to rent those accommodations. Because of the economics in that community and because this government has been able to encourage opportunities for development in the automobile industry in Windsor, the situation has turned around in a relatively short time.

Later this week I will be meeting with my colleagues from across Canada and the federal minister responsible for Canada Mortgage and Housing Corp. to review what other housing programs we might put in place to bring on rental accommodations in the private sector, a portion of which could be made available for rent supplement purposes or to expand the municipal nonprofit program.

In 1978, the 10 provinces and two territories decided to go in that direction through the nonprofit program and not to continue with building and ownership. Indeed, I must say we had unanimity between the provinces and the federal government in that direction in 1978. I have not heard any suggestion that the provinces should get back into ownership and development.

We will continue to press the federal government for some new programs that will assist us in putting a greater number of units in place for middle-income groups and for those who require subsidies from the public purse.

Mr. Wrye: I am sure the minister is aware that among the decent, low-income, affordable housing stock, we lost some 200 units in Windsor this year. I am sure he knows there are hundreds of new refugees coming to the community each year who have no families to move in with for a short time.

We hear stories such as those in the newspaper this weekend about the Lara family: Seven people living in a rat-infested home with very little heat, which is a real danger to the whole family, including very young children.

Mr. Speaker: Question, please.

Mr. Wrye: What solution can the minister offer that family in the short run? What solutions is he going to propose to his provincial and federal counterparts to make sure the housing crisis now developing in my community is solved in the short term and not two or three years down the road?

Hon. Mr. Bennett: The member for Windsor-Sandwich asks what I will do about that family. I

should ask the member whether he has asked the Windsor housing authority whether these people are on the waiting list, whether they have made application, whether they have had a home visit and whether they have gone through the normal process of getting the opportunity of becoming part of the eligibility list for accommodation.

I do not believe one starts hopping, skipping and jumping around. We have a procedure and policy with which all members may not agree. In the discussions of my estimates and at various other times, we have come closer to an understanding and appreciation of how people become eligible for public housing in this province than we have been for many years.

If the member wants me to look at a specific case, I will do so and ask my people whether there has even been application made. I find so often that, while the problem comes to the press and this Legislature, the application has not been made to the local housing authority, which has the responsibility of trying to accommodate those people most in need. I want to underline the words "most in need," because that is really the purpose we have in trying to provide additional public housing. I will be glad to take the name and look at the situation.

Mr. Cooke: Mr. Speaker, that is kind of a silly answer on the part of the minister, since the waiting list for Ontario Housing in this province, specifically in Windsor, is up by more than 100 per cent from a year ago.

Mr. Speaker: Question, please.

Mr. Cooke: Why should they go on a waiting list? They cannot be housed on a waiting list.

Is the minister not aware that in cities such as Windsor, where the vacancy rate is now well below one per cent, rents for private sector housing, which is not under rent control, as in the case of Tecumseh Terrace, were raised last year by 18 per cent and 10 months later by another 17 per cent? That is 35 per cent in two years, which means low-income families cannot go to the private sector and the private sector cannot put affordable rental housing on the market.

We know what the problem is. Instead of convening and going to more meetings, why does the province not get back in the business of creating affordable housing in this province through the co-op, nonprofit and public housing sectors rather than opting out, as it has in the past number of years?

Hon. Mr. Bennett: Mr. Speaker, if I heard the honourable member correctly, he said he thought my answer was silly. Let me suggest that the latter part of his question is very silly,

because the areas we have been penetrating directly, both at the federal and provincial levels, with the past federal government and the current federal government, have been the areas the member referred to, which are the municipal nonprofits, the private nonprofits and the co-ops.

We have also had the Canada rental supply program and the Canada-Ontario rental supply program—which are two different programs, I might point out—to try to develop some rental accommodation for moderate-income and low-income people, and a portion of all those units have been made available for rent-geared-to-income tenants.

Let me remind the members from Windsor that, like every other area of this province that has public housing under a housing authority, we do have an annual turnover of people, both in families and seniors, who leave the occupancy of those units. It is not a static situation; we have a turnover. The people on the waiting list will be accommodated as quickly as possible through the nonprofit programs, both private and municipal, the co-ops and through subsection 56(1) of the Canada Mortgage and Housing Corporation Act.

We are attempting to bring on stream in this province as many rent-geared-to-income units as possible. I think we have done a fairly substantial job this year. I have never said, either here or in my estimates, that we will see the day when we will be able to accommodate 100 per cent of the waiting list on any given day of the year. If we do, let me suggest strongly to this House and to the people of this province that we will have an oversupply of those units, because in Windsor we sat for a period of time, if the members from Windsor will recall, with a vacancy position in some of our public housing units.

PLANT SHUTDOWNS

Mr. Mackenzie: Mr. Speaker, I have another question for the Minister of Labour. Was he satisfied with the answers given by the American officials of Black and Decker in his office last Friday? Specifically, they refused to give any guarantee for any period that the housewares production being transferred from the Barrie plant would stay in Canada at the Brockville plant, they refused to divulge any of the feasibility studies they conducted on the plant merger and they refused to release to the workers, or those at the meeting, any of the information given to the Foreign Investment Review Agency to justify the purchase from Canadian General Electric, a move that saw the plant closed in a matter of a very few months.

Hon. Mr. Ramsay: Mr. Speaker, the information I was disappointed in was the difference between the figures the union had as to the number of employees affected and the figures that were given to us at that time by the company. As a result, I called the company president first thing this morning and asked him to have figures done by an independent auditor and provided to me. I followed up immediately in that respect.

3:10 p.m.

Mr. Mackenzie: I submit that the other questions may be even more important.

The minister is also aware that while the company's sales in Canada, as a percentage of its worldwide sales, are eight per cent in tools and 12 per cent in housewares, respectively, its employment in Canada is probably at or slightly less than four per cent, and the company flatly refused to consider any changes in Canada, saying we had to stand on our own two feet, as did any of their other plants, including Third World plants.

Inasmuch as this purchase and closure was part of Black and Decker's overall plan in the housewares division, as they said, will the minister move to earlier notification and some form of public justification, so that workers in the communities can have the truth in a plant closure and time to plan alternative measures, as an interim step before we deal with the more serious question or set up a serious plant shutdown committee review?

Hon. Mr. Ramsay: I cannot help recalling that the member for Hamilton East criticized me in estimates last week for asking soft questions of the company. I listened very intently while the member for Hamilton East asked questions of Black and Decker on Friday afternoon. He had ample opportunity—and I was looking forward to it—to ask some tough questions, but I did not hear any. I could not believe that the person who asked questions on Friday afternoon was the same person who had asked questions in the Legislature, in committee and so on.

The answer to the question is the same as I gave to the previous question asked today. Yes, I am seriously considering the matter of restoring the closure committee we had before, and I am looking at other changes with respect to our severance pay laws.

YOUTH UNEMPLOYMENT

Mr. Van Horne: Mr. Speaker, this is a question for the Minister of Northern Affairs.

The minister is no doubt aware that his colleague the Treasurer (Mr. Grossman) has

boasted about the improvement in employment prospects for young people in Ontario. I wonder whether the minister has made the Treasurer aware of the reality of youth unemployment in northern Ontario or whether the minister himself even knows the extent of that problem.

Let me point out just two of the rather startling statistics that one picks out of most recent numbers from Statistics Canada. For the period from August to October of 1984, the unemployment rate among those aged 15 to 24 in northeastern Ontario averaged 27.9 per cent; that is more than double the provincial average. For young males in that area, the number was more than 30 per cent.

Mr. Speaker: Question, please.

Mr. Van Horne: I wonder whether the minister has brought these statistics to the attention of the Treasurer and whether he has pressed him and his other colleagues for special assistance for the unemployed young people in the north.

Hon. Mr. Bernier: Mr. Speaker, I am most appreciative of this question, and I share the honourable member's concern. The timing of his question is exceptionally correct, because this morning I, along with the Deputy Premier (Mr. Welch) and my colleagues the Minister of Labour (Mr. Ramsay) and the Minister of Community and Social Services (Mr. Drea), spent the better part of the morning discussing this very issue with the federal Minister of Employment and Immigration. In fact, she just left about an hour ago.

All the points raised by the member were brought to the table, the Treasury people were there, and I expressed the concerns he has touched upon and even on a much broader basis. I am hopeful that the discussion we had this morning and this afternoon will translate into some positive programs and that we will see the results and the benefits flowing to those people in the youth movement of northern Ontario.

Mr. Van Horne: I am pleased to hear that, but it seems to me the minister has had a general discussion before. What I am seeking from him—

Mr. Speaker: Question, please.

Mr. Van Horne: The Treasurer has a vaunted 10-point program for attacking youth unemployment, but it does not seem to attack any of the problems in the north. Will the minister give some direction to the Treasurer and get some assurance from him that this program will be expanded specifically to accommodate the problems of young people in the north?

Hon. Mr. Bernier: I want to point out that the youth commissioner was at that meeting, as were a number of other senior officials within the Ontario government. We are very much aware of the \$1-billion employment program that the federal government is bringing forward, and I am positive that when the results of this meeting are known, they will be of some satisfaction to both sides of the House.

Mr. Stokes: Mr. Speaker, I would like to ask the Minister of Northern Affairs whether, in his discussions with the federal minister and his colleagues this morning, any specific emphasis was placed on the role tourism can play to create seasonal employment for youth and on the special advisory council announced recently by the Minister of Natural Resources (Mr. Pope) associated with the forest management agreements. Does the minister see any potential for creating long-term jobs for our youth in the field of forestry to carry out the government's and industry's responsibilities under the forest management agreements?

Hon. Mr. Bernier: Yes, Mr. Speaker. All those points were touched on, including the short-term job creation programs and the long-term ones to which the honourable member has referred. I am sure he will see results from this morning's meeting.

REGIONAL CHILDREN'S CENTRE

Mr. Cooke: Mr. Speaker, I have a question for the Minister of Community and Social Services. Is the minister aware of the ongoing problems with respect to the waiting list at the regional children's centre that serves Essex, Lambton and Kent counties? As of today, according to the information given to me, there are 133 children on the waiting list for neuropsychology, seven for psychiatry, 71 for psychology, 93 for social work, 49 for speech therapy, seven for day treatment and 14 for home care.

In view of that, does the minister understand that this means a waiting list for children in desperate need of service from the regional children's centre? They have to wait three to nine months for service in the tricity area. In the meantime, while the minister is underfunding that program, the reality is that children in desperate need are being left to fend for themselves without the proper assistance that should be provided through this ministry.

Hon. Mr. Drea: Mr. Speaker, first, it is incorrect to say we are underfunding anything in those three counties. Second, I will look into the

waiting list, but if it is like the waiting lists produced by the honourable member in the past, it is not a question of emergency need. However, we will look at it. Kent, Essex and Lambton are quite well funded with respect to children's services, and the children's services committee in the member's area says so.

PETITION

POLLUTION CONTROL

Mr. Newman: Mr. Speaker, I have a petition. I would appreciate it if the Minister of the Environment (Mr. Brandt) would wait for a while. The petition reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned residents of the city of Windsor, beg leave to petition the parliament of Ontario as follows:

"We request the elimination of the pollution problem from the scrap yard known as Zalev Brothers at 100 Grand Marais Road East. The operation is a health hazard to all the people in the surrounding area as well as damaging to their properties."

The residents are anxious to have the minister attempt to resolve the problem.

CLOSURE OF HOMES FOR DEVELOPMENTALLY HANDICAPPED

Mr. McClellan: On a point of order, Mr. Speaker: I want to draw to your attention that on Friday in question period the Minister of Community and Social Services (Mr. Drea) indicated he was going to answer a question with respect to the Shadow Lake farm. I hope he will do that tomorrow in ministerial statements or during question period.

Mr. Speaker: I must respond to that. The minister asked me whether he could respond to the question, and I asked him to lay it over because of the time constraint. He advised me he will not be in the House tomorrow, but will respond on Thursday, if that is agreeable with everybody.

Mr. McClellan: Thank you.

3:20 p.m.

REPORT

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr. Kolyn from the standing committee on administration of justice reported the following resolution:

That supply in the following amounts and to defray the expenses of the Management Board of Cabinet be granted to Her Majesty for the fiscal year ending March 31, 1985:

Ministry administration program, \$162,486,700; policy development and analysis program, \$11,889,000; personnel audit program, \$362,100; employee relations program, \$914,000; government personnel services program, \$741,100.

MOTIONS

ESTIMATES

Hon. Mr. Wells moved that the estimates of the Ministry of Community and Social Services be transferred from the standing committee on social development to the standing committee on general government.

Motion agreed to.

COMMITTEE SCHEDULE

Hon. Mr. Wells moved that the standing committee on general government be authorized to meet on the evening of Monday, December 10.

Motion agreed to.

Hon. Mr. Wells: Mr. Speaker, I should indicate again for the information of the members it has been agreed that all votes will be stacked until 10:15 p.m. tomorrow, Tuesday, December 4.

ORDERS OF THE DAY

House in committee of the whole.

WORKERS' COMPENSATION AMENDMENT ACT (continued)

Resuming consideration of Bill 101, An Act to amend the Workers' Compensation Act.

On section 9:

Hon. Mr. Ramsay: Mr. Chairman, I committed myself to making a statement at the start of the proceedings today. I had that statement ready to make but it was taken back for a couple of minor revisions. I am waiting for it to arrive. If the members have any other comments they would like to make, I suggest they go ahead and make them on this section and I will respond when they are finished.

Mr. Chairman: The member for Erie (Mr. Haggerty) appears to be indicating he has a couple of comments on section 9.

Mr. Haggerty: Mr. Chairman, in the explanatory note it says: "The present basis on which

benefits are paid is continued with respect to injuries and industrial diseases that occur before the bill comes into force. As of July 1, 1984, these benefits will be based on 75 per cent of gross earnings calculated on an earnings ceiling of \$26,800 with respect to accidents occurring after July 1. (See paragraph 23 below.)"

I was thinking of a week I spent on the committee when it was dealing with the Weiler report and the amendments to the Workers' Compensation Act. Looking at the ceiling of \$26,800, if one looks at the average income in Ontario, I think of one industry in my area where the average income is about \$28,000 a year. If I take the total of that at 75 per cent of \$26,000, we are not really hitting the total income of a person. I suggest that 75 per cent of gross earnings is not sufficient today.

I thought at one stage the report was that we were going to move to a factor of 90 per cent. Now we are back down to the old section of the act with 75 per cent of income based on the maximum, which could be \$22,000 or \$23,000 previously, so we have moved it up \$3,000 or so.

Many people today are in a higher income bracket than \$26,500, the ceiling that is put there. We should be looking at their total income. I suppose if we take 75 per cent of that \$26,000 and, say, he is earning \$35,000, he has already lost a considerable amount of income through an injury if he has to go on workers' compensation. The income loss could be \$10,000 in a number of instances.

I thought there was pretty well an understanding in the committee dealing with the amendments and the report itself that there should have been a higher ceiling. Is this \$26,800 proposed in the bill for the current year, or are we looking for further amendments next year raising it to \$29,000 or something like that?

Let us take, for example, professional firefighters. In my area they are earning about \$32,000 to \$35,000 a year, the same as the policemen. I know the policemen are earning that. But if they have to take the ceiling of \$26,500, 75 per cent of that is quite a slice of their income, particularly if they happen to have a family of four children. Really, they are taking a beating on it.

It is hard for me, anyway, to accept this proposed amendment in the bill because I do not think it is fair.

Mr. Chairman: May I just help the member for Dovercourt? We were trying to deal with subsection 36(1), and I believe it was the amendment of the member for Dovercourt. We

have more or less decided to deal with subsection 1 of section 36 as set forth in section 9 of the bill down to where it ends, "of a work-related injury." That is our first order of business.

Mr. Lupusella: Am I correct, Mr. Chairman, that my colleague the member for Bellwoods (Mr. McClellan) moved subsection 36(1) and clauses 36(1)(a), 36(1)(b), 36(1)(c) and 36(1)(d)?

Mr. Chairman: Right.

Mr. Lupusella: I would like to say a few words on the principle of this section. I think my colleague spelled out the fact that I was not present on Friday because I was ill, but he made a few comments about this section, which is part of the core of the presentation we made before the committee.

It is an issue that has to do with tragic accidents affecting the families of workers killed on the job. We have raised this concern for many years. I recall that in 1975, 1976 and 1977 we raised the principle that the board's expenses were too low. Widows were not receiving enough money to look after kids, their education and so on.

3:30 p.m.

In the course of the presentations, employers accused some injured workers of abusing the system. However, there was no controversial position taken by the employers that benefits to widows and widowers in Ontario should be more generous than they are at present. There was a general consensus that it was time to improve the system to make the lives of widows and orphans better than they are under the present sections of the Workers' Compensation Act.

There was no disagreement or opposition from the employers. They recognized that the government and even Professor Weiler were going to make radical changes to improve the system. There was a general recognition that orphans and widows should be treated fairly well as a result of tragic incidents.

The New Democratic Party, particularly my colleague the member for Nickel Belt (Mr. Laughren) and myself, moved the principle on a different motion, saying that allowances and benefits should be retroactive to cover everybody, including widows and orphans of workers killed on the job several years ago. The one principle clearly spelled out by the government, employers and the Workers' Compensation Board was that if our proposal were accepted under the terms of our motion, employers across Ontario could not afford to pay the cost of it.

My position is that even though under Bill 101, we are faced with marginal improvements—and I want to emphasize the words “marginal improvements”—in relation to widows and orphans, the whole position raised by us during the course of the committee debates in relation to each clause of Bill 101 was the discriminatory practice that was set up in clause 36(1)(a) in relation to the age of widows.

There is no doubt there are marginal improvements set up by clause 36(1)(a) when we talk about a minimum lump sum of \$40,000 and a maximum lump sum of \$60,000. Within the framework of Bill 101, widows are discriminated against on a common basis, which is age. We disagree with that principle.

The Pator case is common to all widows of different ages. Mr. Starr, a former chairman of the Workers' Compensation Board, said the WCB is not a social agency that has to take into consideration all the needs of a particular family. Since the board's inception in 1914, it has compensated accidents and accidents only. Now, because of the age and the number of children or orphans involved as a result of fatal accidents, there is a discriminatory factor—the age of the widow or indirectly the number of children affected by the loss of the breadwinner.

If we are going to stick to the principle of compensation per se and how compensation should go to widows and orphans, the discriminatory age factor should be eliminated. We should take into consideration the principle of compensation, which for our purpose is the lump sum of \$40,000 minimum and \$60,000 maximum, plus an additional \$1,000 for each year under 40 years of age of the spouse at the time of the worker's death. In no case shall a spouse receive a lump sum payment of more than \$60,000.

We want to eliminate and exclude the age factor which in our opinion is very discriminatory. I do not think the government should make reference to the age of the widow in determining the amount of compensation to which she is entitled.

We are contradicting the principle of compensation in Ontario. Later, in the near future, in future reforms or in phase 2 of changes to the Workers' Compensation Board, we will analyse the need of a family when an injury has taken place. I am sure that eventually the government will take into consideration the compensation the injured worker should get when he is faced with an industrial accident. As I stated previously in

different debates, that undermines the principle of compensation in Ontario.

With all the pain and suffering the widow and orphans go through from the loss of the breadwinner, I do not think they should be penalized because of the widow's age. We are mounting opposition to the content and sub-clauses of Bill 101 as drafted by the government. In our amendment, we exclude the age factor in determining the amount of money the spouse will receive as a result of a fatal accident.

3:40 p.m.

To give a synopsis of my previous statement, there is widespread recognition on the part of employers and the government—and in particular the Minister of Labour (Mr. Ramsay) has been quite sensitive to the issue of improving compensation to widows in Ontario. I read a few paragraphs of his ministerial statement very quickly. I realize he is also considering some retroactive allowances to be given to widows in phase 2 of changes to the Workers' Compensation Board.

I see by the minister's gesture that it is in phase 1. I am pleased to see the minister indicating he is moving fast on implementing something that has been strongly requested by us and by injured workers across the province.

I have a disagreement and I will state my opposition, even though I endorse the principle of the minister's amendment. Existing widows will not be treated the same way as new widows who are covered under Bill 101. Unless there is a completely different section, of which I am not aware, the minister is talking about a special allowance that will be retroactive and which has nothing to do with the lump sum payment of \$40,000 minimum to \$60,000 maximum. We are again disputing the amount of money that has to be given to widows of the past, if I can use that phraseology. We are against the amount of money that will be given as a result of the amendment which will be introduced by the government.

On this side of the House, we have been more generous to widows in relation to past injuries. I think subsection 36(1) talks about retroactive payments that should incorporate everybody. I understand the dilemma of the government. I understand employers across Ontario have been crying out about the rate increases which, if I am not mistaken, will amount to 15 per cent in 1984-85. That increase, and the future increases that should cover the unfunded liability of the board, should be matched with the free rides

employers in the province have been receiving in previous years.

There was an increase of eight per cent in 1976-77, and even in 1978. Then there was a decrease of eight or nine per cent because employers were lobbying with the government that they could not afford the new rates. If they are complaining now, they have to remember the board treated them quite well in the past. They got a few rights in relation to the assessment of their premium. Now there is a huge, unfunded liability that will amount eventually to \$4.9 billion, if we are talking about a fully indexed act. They have to remember their rates in the past have been very cheap.

To finalize my comments, what the minister is proposing to do in phase 1 of reshaping the Workers' Compensation Board of Ontario, giving some sort of allowance to widows in relation to past injuries, must be recognized in some way as a sign of goodwill. The employers, the government, the Ministry of Labour and the Workers' Compensation Board all recognize that the government was supposed to move in such a direction in the past and never did. Now that Bill 101 is talking about a lump sum payment of \$40,000 to \$60,000, those widows should be incorporated as well.

Of course, we are opposed to the principle of the age factor, which is very discriminatory. I compliment the minister for taking into consideration something that should be improved and was supposed to be improved a long time ago. Even though the board invested and is still investing billions of dollars just to cover the unfunded liability, which has been unfunded since 1915 or whenever this new phenomenon arose, whatever amount of money this government board will spend on behalf of women who have been widowed by fatal accidents, I do not think it will be enough to cover the pain and suffering so many people go through, particularly children who may not get the education they are entitled to because of lack of funds.

In light of all the interest the board got from its investments of billions of dollars, I think in 1984-85 the government, because it recognizes the loophole that has always existed within the infrastructure of the board, should give back some of this interest money to the people who really need it.

There is no dispute that widows should be treated fairly. They have been going through hardship as a result of losing the breadwinner of the family, and the children have been suffering the consequences of the loss of their father and in

some cases even their mother. The government has a responsibility to take the financial burden into consideration and reverse that burden on to the employers and the funds of the Workers' Compensation Board.

I want to reiterate the principle. We are not talking about malingering cases. We are talking about clear-cut cases of people who lost their lives. I do not want to use the argument, which I used at the committee stage, that if someone kills a policeman, it then becomes popular to talk about capital punishment. All the people who are pro-capital punishment could enlarge their position so that even if a citizen is killed, the same principle of capital punishment would be maintained in accordance with that position.

We make exceptions in our society. If a policeman or a guard is killed, then capital punishment is appropriate. If a regular citizen in our province is killed, then the capital punishment principle is not maintained. I do not make this brief reference because I am pro-capital punishment, but I will never understand the position taken by those who suggest the use of capital punishment in cases where a policeman or a guard is killed, yet when a regular citizen is killed do not think capital punishment should be applied.

I do not understand the criteria for that position. I do not see any difference between a worker and a policeman who have been killed in the line of duty. The same principle must be maintained, if we want to take into consideration human values. We are here not as numbers in our society, but as human beings. Each human being has a different value that should be evaluated and maintained by the government.

3:50 p.m.

I do not think the government has been maintaining these program measures just to evaluate the value of people in our society. Dollars and cents have been guiding the government to find out how much money should be spent and whether the system can afford the money to give to people who are clearly and legally covered under the Workers' Compensation Act.

With these comments I will stop on subsection 36(1). We were impelled to move this particular amendment because of the discriminatory factor that has been incorporated into the principle of Bill 101, which has been moved by the government. Our position excluded this discriminatory factor with respect to spouses affected by a fatal accident.

I hope members of the House will support our amendment. I think I stated clearly that employers across the province, members of the Legislature and even the government and the minister have been recognizing that if there is any issue within the principle of the Workers' Compensation Act on which the government and the politicians should not compromise themselves, it is this particular section. I do not think we have to place negative factors within the principle of the section that discriminate as between one group of spouses and other groups of spouses.

I urge the members of the Legislature to support my amendment.

Hon. Mr. Ramsay: Mr. Chairman, I say this in jest but if the honourable member had gone on much longer, I probably would have changed my mind about some amendments I was prepared to make in response to the points he has been raising now for several weeks, but he stopped just in time.

Mr. Barlow: Quit while you are ahead.

Hon. Mr. Ramsay: Yes, that is exactly what I was trying to say.

Mr. Breagh: Do not get too talkative or we will start counting noses this afternoon.

Hon. Mr. Ramsay: Before I do, I believe the member for Erie made reference—and I must apologize because I was in and out at the time—to the covered earnings ceiling as \$26,800. The covered earnings ceiling is currently \$26,800. In the new act it will be \$31,500. I am not sure whether that was the member's point or not, but it will be \$31,500 in the new act.

With your concurrence, Mr. Chairman, I want to read a statement of about six or seven pages that deals with this whole section. It deals primarily with the matters the member for Dovercourt (Mr. Lupusella) was raising. It goes a little farther than the points he was talking about, but it addresses the whole section.

Mr. Chairman: I think it would be helpful to the committee if we were to deal with all of it in that context.

Hon. Mr. Ramsay: I beg your pardon?

Mr. Chairman: We can deal with anything within the context of section 9.

Hon. Mr. Ramsay: I was thinking that. With respect, Mr. Chairman, I only suggested the broader range, hoping it might cut down the debate later on.

Mr. Mancini: It will not.

Mr. Chairman: We can hope.

Hon. Mr. Ramsay: Let me go ahead. If you call me out of order at any point, I will sit down.

There are a number of items related to section 9 that I have reviewed in light of the remarks made by members during the committee stage.

First, questions have been raised about the application of the new system for survivors' benefits to existing surviving spouses. To a large extent, part III of this bill addresses this issue. However, within the confines of the bill, it is the case that existing surviving spouses would continue to receive benefits under the act as it currently stands and that the new system would apply only to fatalities occurring after proclamation of the amending act.

The net result, as has been pointed out, is that those who lose their spouses in fatal accidents after the proclamation date will, on average, receive a higher level of pension than existing surviving spouses in similar circumstances. This kind of anomaly often arises when progressive legislation is introduced, but it does concern me that there would be a discrepancy between the pensions of existing spouses and those that will be established under the new system.

The best estimate of the gap between these two groups of survivors, on average, is about 13 per cent. In arriving at this estimate, board actuaries have taken into account factors such as the average age of surviving spouses, the expected pre-accident earnings and the effect that Canadian pension plan benefits would have on entitlements. To eliminate the discrepancy at once would impose a substantially higher burden on employers who will already have to bear significantly increased costs by virtue of this legislation.

Accordingly, I intend to introduce a series of supplements to the ad hoc adjustments that will be made in the future to the pensions of existing spouses. The supplement will be set at three per cent over and above the level of each ad hoc increase, which would have the effect of closing the entire gap in a little less than four instalments.

Second, I would like to address the proposed integration—this is where the Chairman might wish to call me out of order—of CPP disability and survivor benefits with the Workers' Compensation Board rehabilitation supplements, older worker supplements and survivor benefits. This issue has been extensively discussed on second reading and in the standing committee that recently considered Bill 101.

As the members know, CPP disability pensions are financed out of a pool of funds to which

workers and employers each contribute. Bill 101 considers these payments as part of the total disability-related income to which the injured worker is entitled. The amount of CPP disability benefit payable will, therefore, be deducted from a worker's pre-injury gross earnings before the worker's supplement entitlement is calculated in order to get a true measure of net income remaining to be compensated by the Workers' Compensation Board.

With respect to permanently disabled workers, the integration of benefits with CPP payments will apply only to cases where supplements are received. The issue of integrating WCB and CPP benefits for all permanently disabled workers will be addressed in phase 2 of our legislative reform program, along with the more general issues related to compensation for permanent disability.

It is also worth noting that the proposed benefit integration will not affect every case in which an applicant for a supplement or survivor's benefit is receiving CPP payments. In the hearings held by the standing committee on resources development, it was made clear by board officials that no deduction of CPP benefits from gross earnings will occur if CPP is payable for injuries unrelated to the worker's compensable condition. Similarly, CPP payments will not be offset in calculating the WCB survivor entitlement of a spouse who is receiving CPP for an unrelated reason. To ensure that this interpretation is clear to all, however, I will be introducing appropriate amendments to the bill.

It has been suggested that applying the CPP offset to existing beneficiaries will disadvantage them relative to their current position. I would like to make it clear that no existing recipient of a survivor's benefit will be affected by the CPP offset. With respect to those on supplement, officials in the Worker's Compensation Board have advised me that current recipients of rehabilitation or older worker supplements will continue to receive the same supplemental benefits as they do now.

All supplements are reviewed periodically, usually at annual intervals. Only when these temporary supplements are reviewed in the future may the board decide to offset CPP disability benefits in computing earnings, or it may rule that they should not be offset because entitlement to the CPP pension is unrelated to the worker's compensable injury.

The debate about integration between CPP and WCB has raised one additional matter, namely, the fairness of deducting CPP contributions and

calculating the net earnings basis of benefits. Some members consider that deducting both contributions to CPP and benefits financed by the plan, for the purpose of computing net earnings, places the worker or survivor in a kind of double jeopardy. I am not persuaded by this argument.

4 p.m.

First, it is worth noting that CPP disability is financed by only a very small fraction of the total CPP premium and, therefore, a double jeopardy situation hardly arises. In fact, most of the CPP contribution paid finances the plan's retirement income plan from which an injured worker can expect to collect a retirement pension at age 65.

Aside from this minor quantitative impact, however, as a matter of principle I do not accept it is unfair to deduct Canada pension plan contributions in the computation of net earnings. The purpose of our system is to compensate injured workers for the loss of their earning capacity measured in terms of net earnings.

As a practical matter, what workers lose when they are disabled is their ability to generate take-home pay. Our concern should be to replace this loss. Our purpose in integrating workers' compensation benefits with those received from CPP is to ensure that these two systems combine to compensate every injury adequately.

I believe it is appropriate that CPP contributions, along with unemployment insurance premiums and income tax, be considered to be basic deductions from gross earnings. These are the statutory deductions that every worker is required to pay. Any given worker may have a number of additional nonstatutory deductions resulting in lower take-home pay than calculations under Bill 101 would suggest; however, we do not propose to take these deductions into account, as they vary considerably from worker to worker.

I believe the proposed approach to calculating net earnings under the bill is both practical and fair. Ontario's proposal on this point accords with that of every other provincial board that calculates benefits based on 90 per cent of the worker's pre-injury net earnings.

I would like to turn to another important aspect of Bill 101 that received lengthy consideration both in the standing committee and by officials of my ministry. This is the issue of improving survivor benefits for existing survivor claimants.

I am pleased to note that members of all parties have acknowledged that the approach of Bill 101 to survivor compensation is a substantial improvement. Briefly, the current scheme provides surviving spouses of fatally injured workers with

a flat \$593 per month plus \$185 for each dependent child. By contrast, Bill 101 will provide both a lump sum and a continuing payment based on the survivor's age, the presence or absence of dependent children and the deceased's income at the time of death. In other words, benefits will be tailored more to the individual circumstances of the survivor.

The approach of Bill 101 to survivor claims has been widely endorsed, and there has been some suggestion that this scheme should be applied retroactively to cover existing claims. Aside from the obvious administrative difficulties in so doing, the cost of retroactive application has been estimated to be very large. Necessary lump sum payments alone would require a disbursement of \$162 million. I believe such an additional burden on employers would not be proper at this time.

However, it is desirable to narrow the disparities in entitlement between those widowed prior to the proclamation of the new act and those claiming after its introduction. As I said earlier, it is my intention to address this matter when the next ad hoc increase in WCB benefits comes before the House. At that time I will be proposing a special supplement for spousal survivors whose entitlement arose before proclamation of Bill 101 to bring this group's general level of continuing benefits into line with the pensions of new claimants.

Mr. Lupusella: Mr. Chairman, the minister made particular reference to my amendment—

Mr. Chairman: With all due respect, I think we had best follow the rotation. The honourable member did have the last opportunity to make comments. I am sure we will keep them all in context. The first member on his feet was the member for Essex South.

Mr. Mancini: Mr. Chairman, we are going to be here until December 23.

We are going to spend a few minutes on this section, because it affects people who have had a member of the family die as a result of an accident in the work place. Even talking about such a situation is difficult, let alone trying to affix an appropriate compensable level for the survivors of the worker.

I am dealing with clause 36(1)(a), so I am in order, Mr. Chairman. I want to bring that to your attention. I am not going to divert my conversation to some of the other sections we will be talking about later. If we continue to do that, I humbly say we are not going to get this bill through the House.

When we try to set a level that we deem appropriate or fair, or advisable or affordable, in my view there will never be any kind of unanimity among the members of this House. I should say there is no unanimity in the parties that are represented in the House, let alone all the members.

The present section the minister has introduced takes into consideration the age and the need of the spouse, and I believe it takes into consideration the earnings the deceased individual might have been able to make at the particular job. We have a system whereby, if the individual was under 40 years of age, we are assuming the surviving spouse would have carried on working for a good number of years and, therefore, the entitlement has increased. If the spouse is over 40 years of age, we are assuming the deceased would have worked for a more limited period of years and, therefore, the amount of lump sum entitlement is lowered. We have a maximum of \$60,000 and a minimum of \$20,000 to ensure fairness in the formula that has been put forward in the bill.

I do not mind when the member for Dovercourt takes 20 or 25 minutes to give the same speech he gave nine years ago, but I do mind when I am giving my few comments and he sits next to the minister and takes up his attention. I do mind that. None the less, my words will be on record, and the minister and the member for Dovercourt will be able to read them later if they choose to.

We have here a bill we can either accept with some minor amendments, as has been suggested by some of the injured workers' organizations that have made telephone calls to my office, or we can continue to debate at length, which I am very prepared to do. Since we are not going to do a major revision of the Workers' Compensation Act for some years to come, at least not with this government, I believe we should get in as many licks as we can while we are doing this bill.

We have in front of us an amendment by the New Democratic Party which on the face of it seems fair, but having listened to the arguments of the member for Dovercourt and looked at the amendment, the two do not mix. The member for Dovercourt says we should have a very full payment in the case of a deceased worker. Yet in the formula he puts forward he has a system whereby, in some situations, a person would receive \$60,000 in a lump sum and, in other situations, a person would receive anything between \$60,000 and \$40,000, with a minimum level of \$40,000.

4:10 p.m.

In actuality, what the member for Dovercourt has done is what the NDP continually does; that is, up the ante in every amendment. If we had proposed \$40,000, they would have proposed \$45,000 or \$50,000. If the member for Dovercourt had taken his logic right to its conclusion, the amendment would have read that a person would be compensated by a lump sum payment of \$60,000, period.

I think I would have respected the member's amendment if he had said: "We are fooling around with the formula here and, no matter what we do with the formula, it is going to be unfair. A death is a death. A person who has died and left obligations and family behind is a real tragedy, and the payment should be \$60,000. Let us stop fooling around with the formula. Let us not take into consideration moneys that might have been earned or moneys that would be earned; let us not take into consideration that the Workers' Compensation Board is supposed to be a system where your wages are guaranteed." Then a \$60,000 lump sum payment would have been the amendment to make.

But when we say that to use a formula is incorrect and then introduce an identical formula, the only change being that the minimum is higher than the one proposed, we are actually talking about the same thing. The only thing that is different, I say to the member for Dovercourt, is that the minimum level guaranteed to the family is \$40,000 and not \$20,000.

Why is \$40,000 fair? Why is \$45,000 not fair? Why is \$50,000 not fair? As I said earlier, let us make it \$60,000. If the principle we are talking about is to give the family of the deceased a lump sum payment, period, then we should not have a formula either in the minister's bill or in the amendment. We should not have a formula at all; let us give the person a simple, straight, lump sum payment.

I would be sympathetic to such an amendment, but such an amendment has not been put forward. I believe what is happening here is just a situation in which we are going to up the ante in the case being presented by the minister.

I am not saying that in each and every case upping the ante is wrong. I want to have this clear and on the record. Upping the ante itself is not wrong, but attacking the formula as the wrong system and then using a similar formula but coming up with a different number is, to me, actually succumbing to the principle that the minister is espousing in the bill.

His principle is that we are going to pay someone according to what we theorize would be the income lost, and one way we are going to do that is by coming up with a formula that will give a maximum of \$60,000 and a minimum of \$20,000.

Certainly I will support an amendment that says, "Let us give them \$40,000 instead of \$20,000." Why would I not support that kind of amendment? Who in his right mind would vote against an amendment that says, instead of giving the family of a deceased worker \$20,000 minimum, we are going to give them \$40,000?"

Mr. Grande: Usually the Liberals and Tories vote against such things.

Mr. Mancini: No. I am talking about the fact that we are going to up the ante here by \$20,000; we are going to give a lump sum payment. I am just curious about it, and I am not very comfortable with it. If this is the route we are going to take, then I would prefer to establish a minimum lump sum payment.

Let us forget about all these formulas and say: "Here is \$60,000, because that is what the maximum was," or "Here is \$50,000, because the minimum would have been \$40,000, the maximum would have been \$60,000 and therefore we have tried to find a middle ground and to treat everybody appropriately. We are going to say it is a \$50,000 lump sum. We do not care how young or old you are, how many more years you would have had in the work place or how many years you had in the work place. Let us just forget about the formula."

As far as I am concerned, it is a very difficult situation and one with which I find myself completely uncomfortable. I might as well prepare and table an amendment that says: "Let us forget about this formula. We are going to give everybody \$50,000. We do not care what their age is or how long they have been in the work place."

We sit here in the House, come up with amendments, fool around with the same principle and the same formula the minister has used and then condemn the minister for using the formula. We say, "Once the person gets the minimum of \$20,000, we are going to give a special one-time payment to ensure the family gets \$40,000."

I am not going to vote against the amendment. I am not going to say these people are not desiring or do not need this extra money. Yes, they desire the extra money. In every situation, a strong case can be made that \$20,000 is too low and that \$40,000 is fairer.

I would say exactly the same thing to the proposal I was talking about only a minute ago. In every situation, a strong case could be made that \$40,000 is too low and that \$50,000 is fairer. Therefore, I say to my friend the member for Dovercourt: "Let us get together. Let us forget about the amendment you have made. Let us establish a basic, fair lump sum payment. Let us throw out the formula the minister has introduced, which we do not like and which we are speaking against. Let us come up with a fair lump sum payment and stop fooling around with this formula."

I do not know how I could explain to my colleagues in this House that we are working with this formula, which has given us a scale of \$60,000 to \$20,000. The New Democrats have come in with exactly the same formula. They say the minister's conclusions are not any good and they have come in with a \$60,000 to \$20,000 formula and a \$20,000 one-time, lump sum payment.

I am sure the first question to be asked of me would be, "Why are we fooling around with the formula?" Let us give a fair lump sum payment and treat the situation in a fair, just and rational manner. I say to the member for Dovercourt that we should get together and present an amendment. I can move it and he can second it, or he can move it and I can second it. We could give a \$50,000 lump sum and forget the silly formula we have been talking about, if our objection to the situation is to the formula.

If all we are doing is trying to up the ante again and again with the minister, I will go along with it, sure. I am not going to vote in favour of less when I can adequately support the position of giving more; I am not going to vote for that kind of situation. Therefore, I wait to hear whether the member for Dovercourt is going to accept my suggestion.

4:20 p.m.

Mr. Lupusella: Mr. Chairman, I would like to respond to the comments by the member for Essex South (Mr. Mancini) and to the statement of the minister.

The minister is planning to introduce amendments, and there is one aspect of this statement that touches a principle incorporated in my new clauses 36(1)(a), (b), (c) and (d) and in subsection 2 and so on. I do not have any objection to what the member for Essex South suggested. My problems arose in dealing with the formula, when the committee approached what the formula was all about.

In our new amendment, we are talking about \$40,000 as the minimum instead of \$20,000. On top of that, there will be a monthly pension that would be given to surviving spouses—the minister may correct me; I do not want to be wrong—unless it is just a lump sum payment of \$20,000 minimum and \$60,000 maximum. Therefore, we are talking about monthly pensions as well. Actually we are talking about the pension per se and the lump sum, which within the framework of the minister's section was \$20,000 minimum and \$60,000 maximum. I had problems in relating the two figures.

I do not know how the board is going to implement the minimum and the maximum or the number that is between those two figures. I do not understand it yet, unless it will be in the form of a policy. My mind is still puzzled about the new framework that will be set up to establish the content and the total amount of the lump sum, the minimum and the maximum.

In our section we are increasing the minimum from \$20,000 to \$40,000, which is an improvement as far as we are concerned. I would like to remind the member for Essex South that during the committee stage the Liberal members were concerned about the rising costs for employers.

To restate my position, I would favour a lump sum payment of \$60,000 for everybody. The member suggested we work together in drafting a section. I am urging him to move an amendment around the \$60,000, which I would be pleased to endorse; I do not have any problem. At least we are trying to take into consideration an aspect of the Workers' Compensation Act that was completely ignored in the past.

Through the course of the presentations from employers there was a common factor; that was cost. The cost is still alive in the employers' minds. They are particularly concerned about this generous Bill 101. To be frank, I do not think Bill 101 is extremely generous; there are marginal improvements in the bill. That is what the marginal improvements are all about.

From talking to the minister, it appears that the only difference between the monthly payments to new surviving spouses—and I hope we are not faced with any fatal accidents in Ontario—and old surviving spouses, the gap which currently exists, is 13 per cent. In the ministerial statement it appears to be 13 per cent, and that gap will be covered by future increases effecting improvements and benefits for injured workers across Ontario.

The only new feature in Bill 101 is the lump sum payment of \$20,000 minimum to a maxi-

imum of \$60,000. Again, I do not have any idea of the framework within which the board will operate in the near future. I am sure the board, based on its past history, will lean towards the minimum rather than touching the maximum, but I hope I am wrong.

I hope I am going to get a clear indication of how this formula of the lump sum payment is going to be implemented and I hope that in the future, based upon our continuing struggle and the battle to improve the benefits of surviving spouses in Ontario, we are eventually going to move towards the principle and establishment of the lump sum payment, which should be retroactive to cover everybody.

Based on information the committee received, we are at present dealing with 5,000 surviving spouses in the province. Most of them are quite elderly and if we do not move quickly, in the future, to establish a balance between the new surviving spouses and the old ones, a lot of them will not become eligible because they will have passed away. I hope the minister will take note of the urgency. I remind him that the struggle in the Legislature, as far as this party is concerned, will continue in the future.

I hope the member for Essex South will move an amendment to take into consideration the \$60,000 lump sum payment that should be given to everybody regardless of age or number of children. I would like to tell him I will endorse that principle. I had several problems with the implementation of the lump sum payment from the very beginning when it was clearly spelled out in the content of Bill 101.

Based on the content of clause 36(1)(a), I want to show my disappointment to the minister. Even though he has been quite generous in eliminating the gap between the new surviving spouses and the old ones, there is another gap involving the lump sum payment which is not equally implemented to the two classes of surviving spouses in Ontario. This is a great loophole that should be covered. I hope the minister will see the urgency of covering that loophole.

We are not dealing with a great many people who are affected by the lump sum payment. Even so, the reaction of the board is that the rise in cost will be horrendous and it cannot be implemented at this time. Based on my personal experience, and considering all the investments coming to the board in the near future from real estate and Ontario Hydro bonds that will mature, there is a return of money that has been taken away from injured workers for many years. I hope this amount of money, based on the principle of the

free rides employers across the province have taken for so many years, is going to lead to some justice on behalf of injured workers across Ontario.

I understand the board is puzzled by the unfunded liability which, if it has to take into consideration the full index, will eventually amount to \$4.9 billion. This amount is estimated by actuaries employed by the board. Although we do not understand their criteria sometimes, this is the figure that has been given to us.

4:30 p.m.

On this issue, the money should not compromise the principles of justice and fairness on behalf of the people who are suffering most as a result of fatal accidents. I hope the minister will be guided in future increases so lump sum payments are equally implemented for the two classes of surviving spouses that have now been set up as a result of Bill 101. When the future improvements are in place before us, I hope the lump sum payment will be one of the items the minister has to consider.

Mr. Haggerty: Mr. Chairman, I am rather lost on section 36 and its intent as it relates to death and compensation payable by way of a lump sum of \$40,000 and increased by the addition of \$1,000 for each year of age. It can go to a maximum of \$60,000 or a minimum of \$20,000.

I think of the resolution to the minister that was passed in 1978. It was endorsed by the Conservative members of the committee at that time. The intent of the resolution was that if we were integrating workers' compensation with Canada pension or with other forms of benefits or pension schemes, there would be in the end result a guaranteed annual income so that a person is not going to remain in poverty.

When I look at the Weiler report and the white paper, I think members here, and in particular the Minister of Labour who is responsible for the legislation, have forgotten the principle of that resolution, because in this bill the government is putting a price on the breadwinner, the head of the family, in saying that his value is \$40,000.

Hon. Mr. Ramsay: How do you want to deal with it?

Mr. Haggerty: How do I want to do it? I want to see that a person is being—

Hon. Mr. Ramsay: Why were you not at committee? Why did you not bring this up in the committee?

Mr. Haggerty: I was not a member of the committee; I had the privilege of sitting there for one week.

But I introduced a resolution in 1978, and this is why I am saying that the minister has forgotten the principle of that resolution. Here he is giving nothing.

I mentioned this before to the minister and to the House. For example, an article in the *St. Catharines Standard* on November 12, 1984, said that a victim was awarded \$463,500 for a back injury in an automobile crash. It says the award is one of the highest judgements in the judicial district of Niagara South.

If we look at the income from a tort or civil action, 10 per cent brings us up to \$40,000. But for a person who loses his life through an accident, his value is only \$40,000. That is what the minister is telling me.

Then he has integrated the Canada pension scheme in there. Yes, there will be some benefit that the surviving spouse can get.

Hon. Mr. Ramsay: How much do you want the survivor to get?

Mr. Haggerty: I am looking for a fair source of income. What is the guaranteed income?

Hon. Mr. Ramsay: Is that what you want?

Mr. Haggerty: I am looking at something around \$10,000 or \$12,000 a year. Those are the figures that have been presented as being above the poverty level. I think it is around \$13,000, if I am not mistaken.

Look at what the minister is doing here. He says, "Yes, we are going to give you that as a maximum and forget about everything else." There will be some allowance for supporting a child as long as he is in school to the age of 19. The question is, can he go to school later on? Somebody else will have to appeal that to the Workers' Compensation Board to decide whether he is capable of proceeding into higher education.

When we tie in the Canada pension plan we are going to end up with about \$4,000, which a surviving spouse now receives under the act. The government is not giving them anything. It has dovetailed Canada pension in there. I thought that by dovetailing it in there the government would raise the level of income, but it has not; it has removed the benefit.

I believe I was in the committee at the time one of the persons made a representation on the white paper. He said at the end of his report, "Weiler poses the question whether workers should be given back the right to sue employees in tort as an alternative to workers' compensation. He responds in the negative. With respect, I would suggest that Weiler asked the wrong question. If the workers' compensation system did what it

ought to do, for example, provide full compensation, the question of right to sue in tort would become irrelevant because tort liability would not yield any advantage. Workers' compensation would, as it should, provide a remedy equal to that offered by tort liability."

That is the point I want to drive home to the minister. This section does not give it. If one looks at further sections in the bill as they relate to burial expenses, the minister has dovetailed the Canada pension plan money in there. Under the act the board will pick up the additional \$1,500, that is, 50 per cent by the Canada pension plan and 50 per cent by the Workers' Compensation Act. For burial expenses today, \$3,000 is about the minimum, but he has paralleled or dovetailed both of them together. He has shortchanged the workers again.

In case of death, they should be paying for total burial expenses, not 50 per cent under the present Workers' Compensation Act. When one brings in CPP, that raises it another \$1,500. In the bill, subsection 9(13) says, "In calculating the average earnings of the deceased worker for the purposes of paying compensation by way of periodic payments under this section, there shall be deducted from such earnings any payments received by way of any survivor's benefit under the Canada pension plan."

I can see the red tape that is going to be involved in the appeals someone will have to make on behalf of the workers. There will be chaotic rules in place in order to arrive at reasonable and fair compensation benefits under this act. I can just see the red tape and the delays that will go on for years and years in the appeal system, to try to arrive at a fair and reasonable decision regarding the benefits under the Workers' Compensation Act.

I am so disgusted with this section that I will not support even the amendment, because it does not go far enough. It is not a fair piece of legislation. If the loss of the head of the family when death occurs through an accident is valued at only \$40,000, that is about one year's wages. That is what is offered to the surviving spouse. It is shameful. That section is neither fair nor reasonable. I hope the minister will come back with something reasonable that can be accepted by the members of this House.

Mr. Lupusella: Mr. Chairman, I do not have any other comments. I would like to move the other amendments, if I may. Eventually we can—

Mr. McClellan: We have to vote on this one.

Mr. Chairman: Is everyone in favour of putting the question that was moved by the member for Bellwoods?

Mr. Mancini: I am assuming we have finished discussion of the amendment made by the member for Dovercourt?

Mr. Chairman: Yes.

Mr. Mancini: I am sorry. Does the minister have something to say?

Hon. Mr. Ramsay: Mr. Chairman, I have two very quick comments. The first is in response to the member for Dovercourt. He suggests there is board discretion in arriving at the pensions and the lump sum. That is not the case at all. The application of the formula is clearly set out in section 31 and it is not subject to administrative discretion by the board at all. I want to make that clear.

4:40 p.m.

With the greatest of respect, I believe the member for Erie (Mr. Haggerty) is forgetting that, along with the lump sum, the survivor gets a pension at 90 per cent of the deceased's pre-injury earnings if he or she has dependent children. The new formula that has been worked out is considered a landmark approach to the problem. It is a major improvement in the survivor benefits and one I am sure will be copied by other jurisdictions across Canada and the United States.

I realize everybody wants more and there has to be a balance, but I really did make an effort when I committed myself to making an additional three per cent increase each year in survivor benefits along with the ad hoc increases until they reach parity. I really did feel I was addressing the great concerns of the opposition members at committee who spoke at length and very articulately and sincerely. We have wrestled with that one. In fact, I do not think the honourable members opposite expected I was going to bend a bit, but I have bent a great deal. I am disappointed they do not feel it is enough.

Mr. Chairman: We are dealing with the amendment to section 9 of the bill that has been referred to as the amendment of the member for Dovercourt. I believe it was moved by the member for Bellwoods (Mr. McClellan).

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Chairman: Mr. Mancini moves that proposed clause 36(1)(a) of the act, as set out in section 9 of the bill, be deleted in its entirety and the following substituted therefor:

"(a) compensation payable by way of a lump sum of \$50,000."

Mr. Lupusella: On a point of clarification before the honourable member debates his motion: Is this amendment also striking out our amendment that talks about retroactive entitlement to widows of workers who died as a result of a work-related injury? I am not certain what it means.

Mr. Chairman: No. The amendment of the member for Dovercourt stands; this is a new amendment.

Mr. Mancini: My amendment is an amendment to the government's bill. I am not here to amend the amendments of the New Democratic Party; I am here to amend the government's legislation.

We have had a fair amount of discussion since the end of question period on this section. We know the government's position. We know it has moved significantly and that this was not in all previous legislation. Was it fair that this was not in the previous workers' compensation legislation? We have to assume it was indeed unfair and that many people who work for the government of Ontario are entitled to some type of insurance and to some type of payment in the case of a tragedy or a death.

We have a situation here in which the government has put forward a formula that was worked out during the committee hearings. The formula gave a maximum of \$60,000 and a minimum of \$20,000 to the survivors. It was moved by the New Democratic Party that the maximum should be \$60,000 and the minimum \$40,000. While criticizing the formula, they used exactly the same formula and changed the figures.

After listening to the debate and consulting with some of my colleagues, and after giving this a rational review, I have come to the conclusion that if the formula is no good when we end up with figures of \$60,000 and \$20,000, then it is no good when we end up with figures of \$60,000 and \$40,000. If the formula is no good, the formula is no good and we should not be using it.

I have come to the conclusion that it would be best if we treated everybody equally in such tragic situations and that we not put in place a formula for people to try to work out. Many of the people who are injured do not have a good command of the English language and of the customs, culture and nature of our society. Unfortunately, many of them, particularly in the construction business, were not able to attend school in this country.

Therefore, these situations are not as easily explained to them as they possibly are to people who have grown up in this country. However, even in those cases it might be difficult to inform one family or another about why we have adopted a formula that gives somebody \$60,000 or \$20,000 or, if we adopted the NDP formula, \$60,000 or \$40,000.

If we give a lump sum payment of one amount to all families that find themselves in this tragic situation, I believe it will be easily explainable. It will be fair and equal for everyone who has suffered. There will no any need to explain to the family of a deceased exactly how the formula works and how we came to the formula by making different amendments in the Legislature and by trying to adopt some consultative way to pass the bill.

I put forward this amendment for the consideration of the House. The figure we use is \$50,000. It is the halfway point between the NDP amendment and the maximum amount suggested by the minister. I am sure there would not be a lot of people using that maximum amount. By striking a figure in the middle, we would serve the dependants of the deceased in a much fairer fashion.

Mr. Lupusella: I would like to make some short comments. We support the principle incorporated in the new section the honourable member is talking about. I am not sure whether his section is really an improvement in the total package a surviving spouse is to receive.

For a fast mathematical process, when it is actually employed by the board we will find out the final result. At any rate, I am not convinced it is really an improvement. However, we are going to support it even though I am not convinced about the total benefit of the section.

I would like to remind the member that our section talks about an improvement from \$20,000 to \$40,000. The member is talking about a further addition of \$10,000 which, as far as we are concerned, can easily be covered by the \$1,000 for each year of age of the spouse.

I am not really sure it is a great improvement in relation to the total package, but we are going to support the amendment just for the principle of it.

4:50 p.m.

Mr. Mancini: I do not want anybody to feel he has to vote for my amendment, especially when he is not sure whether it is an improvement. If the member thinks my amendment is not an improvement, if he thinks my amendment is not as fair as the one he placed, please feel free to vote against the amendment.

Mr. Wildman: It is half a loaf.

Mr. Mancini: No, \$60,000 to \$40,000 is the half-loaf. The acceptance of a government formula that one does not believe in in principle is the half-loaf. This is a straight lump sum payment for clause 36(1)(a). We are dealing only with that particular subsection; we are not dealing with anything else at the moment. I think the member might be confused because he is trying to deal with several amendments at once.

We are dealing strictly with that amendment. It is an improvement over what the government has suggested and it is an improvement over what the New Democratic Party has suggested because that party has adopted in principle the government's formula and has tried to work with the government's formula. We do not want to work with that formula; we do not accept that formula. We accept a straight lump sum payment. The payment would be \$50,000. Absolutely no one is being forced to vote in favour of the amendment if he feels it is not as good as it should be.

Mr. Lupusella: Mr. Chairman, if I may, I thought the honourable member would have had the decency at least to explain the differences between our formula and his.

I hope he will not take my comments in a very negative way because in a short period of time I do not have the expertise of the actuaries employed at the board. That is why I stated in a very genuine way I am not very convinced that his section is a real improvement unless he can show me otherwise. But he moved the motion and he should tell us why surviving spouses will get more under his formula than under the principle that is before us.

Mr. Chairman: We are dealing with Mr. Mancini's amendment to clause 36(1)(a).

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Chairman: Mr. Lupusella moves that section 36 of the act as set forth in section 9 of the bill be amended by adding thereto a new subsection 36(2) as follows: "Where a spouse survives a worker and has received a lump sum entitlement of less than \$40,000, the spouse shall be entitled to receive a one-time payment to increase the total value of that lump sum payment to \$40,000, and that the other subsections be renumbered accordingly."

Mr. Lupusella: Mr. Chairman, I would like to make a short comment on subsection 36(2). What we are talking about in this new section is

the principle that surviving spouses will not receive less than \$40,000. We should keep in mind that the government bill talks about \$40,000 as the minimum.

In the previous sections we talked about an improvement of another \$20,000 in the minimum to \$40,000. For a spouse who survives a worker and has received a lump sum entitlement of less than \$40,000, the board has to give a one-time payment to increase the total value to \$40,000.

I think the new subsection is self-explanatory and I do not want to make any further comment. I hope the members will support the contents of the new subsection.

Mr. Mancini: I have just a short note on the amendment. I believe the \$40,000 figure used by the member is the same \$40,000 minimum he used in subsection 36(1). We will have to vote against that.

I will be introducing an amendment to create a new section where the figure will be \$50,000 instead of \$40,000 to keep things uniform.

Mr. Chairman: All those in favour of Mr. Lupusella's amendment to section 36 will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

5 p.m.

Mr. Chairman: We need Mr. Mancini's amendment in writing and then we can proceed.

Mr. Mancini moves that a new subsection be added to section 36 as follows:

"(2) Where a spouse survives a worker and has received a lump sum entitlement of less than \$50,000, the spouse shall be entitled to receive a one-time payment to increase the total value of that lump sum payment to \$50,000, and that the other subsections be numbered accordingly."

Mr. Mancini: That would keep this part of the bill in conformity with the previous amendment I moved.

Mr. Chairman: All those in favour of Mr. Mancini's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Mr. Mancini: Stack it.

Mr. Chairman: No, you have to have five members to do that.

I wonder if we can assist. On stacked votes we have to have five members standing on each one to put it on the stack.

Mr. Kerrio: Put the vote on the stack.

Mr. Chairman: Sorry to be technical, but that is the way it is.

Mr. Lupusella moves that subsection 36(3) be amended by deleting the words "or by the subtraction of one per cent of the net average earnings for each year of age of the spouse under 40 years at the time of the worker's death" in the sixth to ninth lines, by deleting the words "more than 60 per cent or" in the 10th line and by deleting the number "20" in the 10th line and substituting therefor the number "40."

Mr. Lupusella: Mr. Chairman, I would like to clarify the framework and the principle incorporated in this section.

In my initial debate I spelled out the principle that we never endorse a discriminatory age factor, which is incorporated in Bill 101. We do not see any reason why age should be a factor in determining the kind of benefits that a surviving spouse receives as a result of a fatal accident. During the course of debate at the committee stage, we saw processes of this type used by the government as a way of penalizing people as a result of fatal accidents. Our view has consistently been that no one should be penalized for a tragic accident that has occurred in a family.

The government is planning to balance the loopholes between the new surviving spouses and the old ones in relation to the monthly payments. We are faced with the loophole that will still exist in Bill 101 in relation to the lump sum payment. We reject the principle that age should be a factor in determining the amount of benefits. We do not feel any legislation dealing with fatal accidents should penalize surviving spouses.

Our amendment is consistent with the tone of the debates that took place at the committee stage and prior to that stage. A lot of unions that appeared before the committee rejected such criteria for determining the amount of benefits, and I think our amendments will end the injustice that has been created by Bill 101 in relation to the age factor.

The Deputy Chairman: Does any other member wish to speak on this amendment? Are we ready for the question on Mr. Lupusella's motion? Shall the motion carry?

Let me read what we were voting on so we are all sure of it.

Mr. Wildman: It already carried.

The Deputy Chairman: I did not say it was carried. You guys can say "Carried" all you want, but until I say it, it is not carried.

Mr. Lupusella moves that subsection 36(3) be amended by deleting the words "or by the subtraction of one per cent of the net average earnings for each year of age of the spouse under 40 years at the time of the worker's death" in the sixth to ninth lines, by deleting the words "more than 60 per cent or" in the 10th line and by deleting the number "20" in the 10th line and substituting therefor the number "40."

Now that we understand what we are voting on, all those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Mancini: Dealing with section 9 of the bill, subsection 36(5) of the act.

The Deputy Chairman: No, it is subsection 7, that the figure "\$1,500" be struck and the figure "\$2,000" substituted.

Mr. Mancini: I am sorry. I have one prior to that.

The Deputy Chairman: I do not have it in writing.

Mr. Mancini: No, it is just striking out a number.

The Deputy Chairman: I would like to have it in writing. We will pause and let the member put it in writing.

Mr. Mancini: As long as we can get back to it.

The Deputy Chairman: Is it agreed that the member for Essex South write it down and share it with the minister, the table and the members?

Mr. Mancini: We have to get these figures in conformity. That is all it is.

The Deputy Chairman: The member for Dovercourt is prepared to let the member make that motion.

Mr. Lupusella moves that subsection 36(9) be amended by deleting in lines 5 through 7 all words after the word "injury" in line 5.

Mr. Lupusella: Mr. Chairman, to understand what we are doing, we have to read the government's subsection 36(9) on page 9 of Bill 101:

"Where the board is satisfied that it is advisable for a child or children over the age of 19 to continue education, the board shall pay in respect of each such child 10 per cent of the net average earnings of the worker at the time of the injury but the total benefit in respect of the spouse and such children shall not exceed 90 per cent of the net average earnings of the worker at the time of the injury."

5:10 p.m.

There are two principles that should be spelled out in regard to subsection 36(9). First, we are on the record as opposing the figure of 90 per cent of the net average earnings. Our position is, and will be in the future, that 100 per cent should be the figure. We are opposing the calculation of 90 per cent and proposing that it should be 100 per cent.

We propose deleting in lines 5 through 7 all words after the word "injury" in line 5. The content is self-explanatory and it merits the full support of the members of this Legislature.

The Deputy Chairman: All those in favour of Mr. Lupusella's amendment to proposed subsection 36(9), as set out in section 9 of the bill, will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Lupusella: Mr. Chairman, do I have time before the honourable member—

The Deputy Chairman: I think you do. The member for Essex South is working diligently.

Mr. Lupusella: Then I move immediately that proposed subsection 36(13), as set out in section 9 of the bill, be deleted.

The Deputy Chairman: Why not do it the way the rules allow us to do it? Why do we not call subsection 36(13) to see whether the House supports it? I would be pleased to do that.

Mr. Mancini: That is okay. You can come back to me.

The Deputy Chairman: We will come back to the member for Essex South. His chance is still going to come.

I recognize the member for Dovercourt. We have an agreement that we will go back to the member for Essex South, even when it is out of order.

Mr. Lupusella: Mr. Chairman, the procedure you are setting up is going to be valid and the one that will prevail.

I would like to state the reason this subsection should be deleted. I think I am in order in speaking to the content of subsection 36(13) of the act as set out on page 9 of the bill.

"In calculating the average earnings of a deceased worker for the purposes of paying compensation by way of periodic payments under this section, there shall be deducted from such earnings any payments received by way of any survivor's benefit under the Canada pension plan."

If I can get the minister's attention, in his ministerial statement there is a slight change in the content of this section. On the matter of the surviving spouses, the minister now will not consider any offset of the Canada pension plan. Am I correct? Can I get a statement from the minister?

Hon. Mr. Ramsay: Yes, Mr. Chairman, that is correct; but I did go into it at great length and I would be prepared to share the reasons with the honourable member. I did make a commitment to study and look at it seriously, and we did just that. That is what I attempted to point out to the member. I would send my notes over to him, should he require them.

Mr. Lupusella: That is the feeling I got. I did not have time to go through each section that the minister undertakes to change in the future. I am sure that subsection 36(13) will stand as it has been drafted in Bill 101. The new direction, offsetting the Canada pension plan, will be considered in the future. I hope we are going to have the same minister with the same type of commitment, for fear that a new minister will change that ministerial statement. It is a personal commitment from the present Minister of Labour; we do not know what is going to happen in the future.

I am still convinced that I have to speak more strongly against the content of subsection 36(13) as it is set out in the bill. I cannot endorse the principle of what the minister is doing at present, offering an honourable commitment that in the future there will be a change of direction, a change of policy or the introduction of a new section that will eventually negate the content of subsection 36(13).

The reason we are strongly against it, and the minister has heard the content of our arguments so many times along with other members who were part of the standing committee on resources development studying the content of Bill 101, is that the Canada pension plan is used by the government to save money at the expense of injured workers across Ontario. Therefore, we cannot endorse such a principle. Also, section 36 and the fatal cases that are well described under it are something we will never endorse.

Pain and suffering are surfacing now as a result of Professor Weiler's study on reshaping the workers' compensation system. Lump-sum payment plus pension are factors that are now at the stage of development. Therefore, even the 90 per cent of net average earnings at the time of the fatal accident or injury is a penalizing process for injured workers as far as we are concerned.

Setting off the Canada pension plan benefits is a good way to save money at the expense of injured workers.

Talking about surviving spouses and so on, that is something on which the members of this party will never compromise, because we are taking money away from people who are suffering from emotional, tragic trauma. We have stated many times that the amount of money given under Bill 101, even though there are marginal improvements, will not compensate for the loss of a human life. We cannot use money in evaluating what life is all about.

Even though we generally endorse the principle of this marginal improvement, I do not think the marginal improvements should eventually be cut by the inclusion of subsection 36(13), which in the overall situation takes away the calculation of the Canada pension plan from the general assessment of the earning benefits of an injured worker.

We were against it in the past. I want to remind the members that 3,000 injured workers appeared outside this Legislature protesting against changes that did not take into consideration the new realities of injured workers. Their presentation and their presence vividly convinced us that new changes should be implemented. Even though the government materialized the changes with Bill 101, there are certain deterrent clauses that will not improve the benefits of injured workers. They will minimize injured workers' benefits as a result of subsection 13.

Injured workers in Ontario presented a clear position before the resources development committee. They were against the principle of setting off the Canada pension plan from the overall assessment of their benefits. They were also against the principle of the 90 per cent calculation of their net to determine their earnings. They endorsed and approved the principle of 100 per cent, which means to them that, as a result of an accident, injured workers across Ontario should not have any loss whatsoever.

5:20 p.m.

Even though we are endorsing the widespread spectrum of this type of improvement from time to time on Bill 101, these marginal improvements have been greatly reduced by the inclusion of sections such as subsection 13.

On several occasions, I understand the minister stated before the committee and this Legislature that the concern of injured workers has been taken into consideration. Three thousand people demonstrated in front of this building to bring to the attention of the government that there is a

great need to bring the new realities of injured workers into the 1980s. The government has to undertake a long process to eliminate the imbalances that have been existing for years within the present Workers' Compensation Board.

Subsection 13 speaks against the clear desire of injured workers who have been demanding changes. The present injured workers will not get the benefit of Bill 101. If they decide to move into the framework of Bill 101, because they are currently receiving CPP they will be penalized as a result of this section.

Even though I understand that in the future the minister will change his mind and introduce a new section which eliminates such a penalizing process, at the moment the minister has to understand—and I am sure he understands—that if the present old injured workers move into the new plan they are penalized as a result of subsection 13.

Even though I am pleased that in the future this concern will be eliminated and eventually subsection 13 will be deleted, I am not pleased by the fact that old injured workers, if they decide to move into the new framework, will be penalized as a result of subsection 13.

Therefore, I suggest that all members of this Legislature support my position and the position of this party, that the deletion of subsection 13 is very appropriate and should be indulged by all.

The Deputy Chairman: The member for Essex South, this is the same amendment you made. I know you were busy doing some writing. This is for you, because it is an amendment that you passed on, that section 9 be deleted. The motion will read, "Shall section 9 stand as part of the bill?"

Mr. Mancini: I do want to make some comments. As you know, Mr. Chairman, it was also my intent to have this section deleted. We will happily support the motion on the floor.

I will take a few moments to express my party's deep regret that this section is included in Bill 101. In particular, some of my colleagues have fought long and hard against the principle of including benefits received by an injured worker from a different level of government. In our view, benefits paid by that injured worker through regular weekly premiums should in no way be touched by a different level of government.

During all the committee hearings it was stressed over and over again by my colleagues who sat on the committee that Canada pension plan benefits were something of an insurance that

was bought and paid into by injured workers, not with the intent that they would be injured and would some day collect benefits from the Workers' Compensation Board because of premiums paid into the board, or I should say supported by premiums paid into the board by the different businesses and corporations that are operating in the province.

It is my belief and the belief of my colleagues that once any level of government starts to integrate and use a system of compensation that has been developed for other reasons by a different level of government, then we are penalizing the people who have been injured and we are, in my view, unfairly using funds set aside by a different level of government.

It is our view that there is only one intent in this section, and that is to say to the Workers' Compensation Board, "These funds are at the expense of the government of Canada and at the expense of the injured workers who have paid into that fund."

If, for example, the Conservative government of Ontario feels that the benefits paid to injured workers are greater than it deems necessary, then it should not try the back-door method of taking funds from a different level of government and from a completely different program and integrating them in such a way that the two cannot be added and that the level of payment is kept in one specific range. We certainly cannot support this kind of back-door manoeuvre by the government.

The minister has stated he is doing everybody a favour by including this amendment. His statement that none of the people who are collecting Canada pension plan benefits because of an injury different from the one sustained on the job site would be affected is, in my view, not a very strong argument. I could use other words to describe the argument, but I will just use the word "strong." It is not a very strong argument.

I would ask members to think for a moment. The minister is actually saying that if a person was injured in a car accident or in some other fashion and, for one reason or another, collected CPP benefits because he had injured a knee, a shoulder or an elbow, and if he then was at the job site and injured his back or had something fall on his body that caused some type of injury, etc., the moneys he was receiving from CPP because of that injured knee would in no way affect the moneys he is receiving from the board. That is the minister's explanation of this section.

Is that really what the minister wanted to do in the beginning: to reduce the benefits received by

an individual for an accident and for an injury that is completely and totally unrelated to the work injury? To use this as an argument for subsection 13 and to say we are doing everybody a favour is really just something we cannot endorse and will not endorse.

We fought against this principle during all the committee hearings. We stated our views when the injured workers had the opportunity to demonstrate in front of the parliament buildings on a number of occasions. We made it known to the minister that we would fight against this integration as long and as hard as we could, and that is exactly what we are doing.

In all the months and, I dare say, years—because it was before the 1981 election when the then Minister of Labour, the member for York East (Mr. Elgie), stated that he was going to have Professor Weiler do a report to review the Worker's Compensation Board—for those many years and for those many months we have stated over and over again that the minister has not been able to convince us that this integration will not have a penalizing effect on the injured worker, and, in my view, we have not been given any circumstances in which it will be a benefit to the injured worker. We can in no way support this particular section.

5:30 p.m.

I thought there was another section that was related to this, but I cannot find it right now.

We are in no way supportive of this subsection 13. I can recall going to many different meetings of injured workers when they congregated to give their points of view and their plight to members of the Legislature. Over and over again we heard their fear that they were going to lose the Canada pension plan benefits they had legally obtained from the government of Canada through a system by which they had paid premiums, because of an act of parliament here in Ontario. I cannot see the logic. I can see the logic from the government side, but I cannot understand the justice of this.

Perhaps the new government of Canada, the Conservatives in Ottawa, will be interested in this and will tell the government of Ontario, its Conservative friends here: "We do not want you to use our plans or schemes in Ottawa to reduce your own payments. We think it is unfair and we do not think you people should be doing it." Perhaps that will happen, but I doubt it since there is such a close relationship.

In all the meetings I attended, in all the conversations I have had with my colleagues, and in all the debates that went forward in committee—and there have been many—never, on

any single occasion, have I heard a rational argument put forward as to how it could be fair to say to an injured worker: "You paid into the Canada pension plan for a good number of years. The government of Canada has a law in force that states you are able to collect a certain amount of money as determined by it. However, it is unfortunate when you are injured in Ontario and you receive benefits from the Workers' Compensation Board."

It is a no-fault system that was even strengthened on behalf of the employer just a day or two ago by an amendment made by the minister concerning the right to sue directors and senior agents of the company. The government says to them, "Even though we have this no-fault scheme, and even though we have strengthened it to make absolutely sure that you can in no way sue for wilful negligence the corporate directors of a company you worked for, even though we have done all that, we are still going to say to you that we are going to integrate this system," which ultimately means less for the injured workers.

That is something we cannot accept. If the government of Canada wants to move an amendment concerning the CPP or if it wants to lower the benefits given out by the CPP, let the government of Canada do that and take the responsibility. As I said earlier, if the government of Ontario feels it is being too generous with its workers' compensation payments, let it lower the benefits that are paid to the injured workers. However, this back-door technique of using moneys from the government of Canada and using a scheme that has been paid into by the workers who have been injured is unfair, unjust and unacceptable to the Ontario Liberal Party.

We have made this case before and we will make it again. I realize the minister will again defend the inclusion of this section in the bill. I realize he will trot out some of the same reasons we have heard before. However, unless we hear something completely and drastically different from what we have been told in the past, we can in no way, in good conscience, change our minds.

As I said earlier, as I will say again and as I will continue to say, I promise the injured workers of this province, as my colleagues in the Liberal caucus promise them, we will put up strong opposition, as strong as possible, as strong as reasonable within the rules and confines of this House, and we will fight the inclusion of this section in the bill.

I cannot say to the minister strongly enough how much the injured workers of this province fear the inclusion of this section in the bill.

When we look at the whole system of compensation, the idea is to try to ensure that a person will receive in benefits approximately the same amount of moneys that he or she would be receiving at the work place. That, basically, is the principle of the whole act.

While in many cases we are able to do that, we are aware that for the most part we are unable to pay the workers for many of the social effects they suffer because of an injury. We are unable to pay the workers for many of the mental problems that might be created by the strain and pressure of not being the same, by not being able to use your body the way you could have done in the past, by suffering in that way. To think we would raid the Canada pension plan, a completely different scheme run by a completely different government, to save a few bucks here in Ontario is very surprising to me.

I am sure the minister, through what is getting to be his long tenure as Minister of Labour, almost three years, has come upon many a case and many a situation where he could honestly say that while the policy of the board is to make sure everyone gets paid without having to go to court, such as they do in the United States, I am sure he can say that even though the system helps a lot of people, in that respect it also hurts a lot of people because they do not have the right to sue.

I have in my own constituency several cases where, if the accident had occurred in the United States they would have been awarded multimillions of dollars in a settlement. Even some of the minister's own staff found some companies wilfully neglecting their responsibilities and wilfully neglecting the health and safety regulations of this province.

I am sure the minister will agree we have those situations where the cases are so strong that the matter would not even have proceeded to court. Some of these companies, especially the bigger ones, would have been glad to settle out of court for huge sums of money.

That is fine. We give that up because we have a no-fault insurance plan. What does this no-fault insurance plan want to do? It wants to raid another plan operated by a different level of government. That is exactly what they want to do. It wants to raid another plan operated by a different level of government.

I am going to recommend to the minister again to do whatever he can to make the situation better in his own sphere of influence. Why is he fooling around with a plan operated by the government of Canada? He was not consulted when the Canada pension plan was put in place. We were not

consulted here in the Legislature. The members of the Parliament of Canada decided they should, after giving full consideration and thought to the situation, implement a Canada pension plan disability system where people could collect some type of benefits under certain conditions.

5:40 p.m.

We cannot sit here in our places and say to the members of Parliament of Canada who put in place that particular system: "We are glad you have that system in place because we are going to use it to our benefit in order to integrate the benefits into the workers' compensation scheme we have here in Ontario. We are going to tell everybody that the integration"—and this is something I really find surprising—"will not affect an injury they already have in regard to some accident they might have had outside the job site.

"If they twist an ankle at the job site, however, and severely damage the ankle, after a prolonged period, after they have gone through all the medical procedures, after they have been to the family doctor, after his report has been reviewed by specialists, after the CPP people in Ottawa have turned them down and after they have appealed that decision, after a medical panel has reviewed all these decisions, after they have gone through all this and after the procedures have taken four or five years, that is just too bad, because the WCB in Ontario is going to integrate their payments. That is their tough luck, because that is the way it is."

That is something my party cannot support and something my colleagues in the Liberal Party are going to have to speak out against. I realize the hour is getting late and that we want to pass this bill before Christmas. Believe me, my colleagues and I do want to pass this bill before Christmas. We want speedy approval of it, but we cannot offer speedy approval to the bill when we have such a subsection as 36(13).

Does the minister blame us? Does he criticize us for being vocal and for expressing our opinion the way we do? I think not. I think he may be somewhat annoyed because he may have promised his House leader we would make more progress today than we actually have made. I feel bad about that. The situation is unfortunate, but the bill itself is holding up the procedure.

It is what the government of Ontario wants to do that is holding up the procedure, that is holding up Bill 101. It is not the opposition. We cannot simply sit here and say nay and aye and stand up and then sit down and have these things go through as if they are being rubber-stamped.

Somewhere down the line we have to make a stand on something we find intolerable, something that is completely against what we believe in.

We come to that point when we come to the CPP reference. Once we have integrated one plan into the workers' compensation benefits, that will start us down the road to the integration of many other things, although I doubt this will happen because after the next election we will have a new government in Ontario. After we have served our 41 years and the people finally decide, "The Conservatives had 41 and now the Liberals have had 41, so let us make a change again," even if it is 41 years away, somewhere down the road some Minister of Labour is going to be pressured by his cabinet colleagues and by others into further integration.

What could be integrated at that time? We do not know. We never would have believed the government of Ontario would integrate its provincial program of disability benefits from the WCB with a scheme operated by the government of Canada and paid into by the workers. That has absolutely nothing to do with this government. No one would ever have believed that.

Who is to say that somewhere down the road the board or someone in charge, the Conservative government or somebody, might say: "Let us look at the total family income. Let us see if the spouse or the companion has benefits. Let us see if the companion or the spouse has an income. Let us see all of these things. If we are going to integrate, let us look at the whole thing. Let us find out if somebody is collecting unemployment insurance benefits and we will integrate that. Let us find out if one of the partners of the injured worker has a good job and is making \$40,000 or \$50,000 a year."

The Conservative government would say: "It is not fair for us to pay these people all these benefits while we know the total income for the family is at a certain level and everything seems to be going along fine. Yes, we have had an injury here, and yes, we are paying some type of disability benefits, but let us integrate them the way we integrated the Canada pension plan benefits in December 1984. Yes, we introduced Bill 101. We had many amendments. One of the amendments was, 'Let us start down the road to integration.' It was passed then," the government could say, "so we can pass this now."

I do not put that past a future Conservative government. It would ask itself, "How many injured workers do we have?" It would work out a number. "How many of these injured workers

collect Canada pension plan benefits?" A further number would be worked out. We would get to a total number, and the Conservative government would say: "The political liability of integrating further benefits with workers' compensation would be very minor because we are dealing with fewer than 200,000 people or fewer than 100,000 people. The political liability is very minor, so let us go ahead and do it because we will save ourselves this amount of money and we will further erode the principle of the Workers' Compensation Act."

The principle of that act is, I remind the House, no-fault insurance. If it is no-fault insurance, let us not fool around by trying to integrate another scheme operated by a different level of government into our plan.

Mr. Chairman: Lest we become redundant—

Mr. Mancini: Oh, no, it has not become redundant. I know it is slightly annoying to you, Mr. Chairman, and maybe to the minister, but with due respect, it is not redundant. You might take a moment to re-read Hansard.

We are against this section. We cannot in good conscience vote for this section. The minister has heard our argument. He knows why we are against it. We do not want to criticize him personally. We know he has a job to do and he has many forces that direct his hands. We understand that. But simply to have sat back and to have let this section pass without our forceful comments is something we could not have done.

Mr. Haggerty: Mr. Chairman, I want to support some of the comments that have been made here very clearly in the last 15 or 20 minutes, particularly in regard to the Canada pension plan. I think both section 13 and subsection 45(9) will carry.

Mr. McClellan: No. we are going to persuade the minister.

Mr. Haggerty: I do not think the members over there are going to persuade him.

I think we should have a clear-cut reply here from the minister; we want some answers in this particular area. I am sure the minister is aware of the current practice of the Workers' Compensation Board. When a person goes on a permanent disability award, he sits down with one of the advisers at the board, who makes the decision about the percentage of the degree of injury and the percentage of the degree of the award. I suppose it comes back to the old meat chart.

5:50 p.m.

The adviser tells the injured worker, "Your next step now is to apply for Canada pension." It

is fine to suggest that to him, but to qualify for the Canada pension plan one must be totally disabled. One person who had seven injuries appeared before the committee on the white paper this past year. Every doctor he had gone to considered him totally disabled. He had applied for disability assistance and had been considered "permanently unemployable" under the welfare act. Maybe I should use that term.

The board suggested that he go to the Canada pension plan for assistance. He did and got Canada pension, total disability, but under the act it does not say that. That is why I want the minister to state quite clearly the intent of this act. If a person gets Canada pension plan benefits and his disability has been accepted as total by a medical panel, will the Workers' Compensation Act come into full force and say, "Yes, he is totally disabled, and he will get 75 per cent of his earned income," based on whatever level the government wants to specify? That is the point, and that is the question that has not been answered in the House today.

Is such an injured worker entitled to 75 per cent of his income because of his disability? He is in receipt of Canada pension plan benefits and totally disabled, and he should be under the Workers' Compensation Act if the government is dovetailing the two plans. The government has the responsibility to be clear about the intent in this area.

I want that on the record. I do not want anybody to go to the Workers' Compensation Board with appeal after appeal. There are many people like this man who have had seven or eight injuries. If they want to get a reassessment of their claims, they have to appeal all seven. Sometimes it will take 10 years to get to the seventh appeal. It is an injustice in the system.

I want the minister to state the intent clearly. If a person applies and is accepted by Canada pension, will we do away with the meat chart and say, "Yes, you are entitled to full benefits under the Workers' Compensation Act"?

Mr. Chairman: All those in favour—

Mr. Haggerty: I have asked the minister a direct question. We on this side are entitled to an answer. There should be no ifs or buts here. There should be a statement from the minister on the full intent of those two sections.

Hon. Mr. Ramsay: Mr. Chairman, I am trying to save the time of the House. In the statement I read in entirety earlier this afternoon, I answered all the concerns the honourable member has mentioned. If he wants me to read that all over again I will do it, or I will send him a

copy of the remarks, whichever he wishes. I did respond to his concern.

Mr. Chairman: The question is whether subsection 36(13) shall stand as part of the bill.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote stacked.

Mr. Mancini: Mr. Chairman, I move that clause 36(1)(5) be deleted and the following substituted therefor:

"Where at the time of death of the worker there is no spouse entitled to receive a lump sum payment under clause 36(1)(a), the worker's dependent child or children shall be entitled to receive in aggregate a total lump sum payment of \$50,000 in addition to the compensation payable under subsection (4)."

Mr. Chairman: I point out to the member so his notes will be in concurrence that subsection 36(1)(5) was mentioned; I think he really means subsection 36(5).

Mr. Mancini: Subsection 36(1)(5).

Mr. Chairman: We do not need (1) in there.

Mr. Mancini: Do we not need (1)?

Mr. Chairman: It is just subsection 36(5). I will correct mine if the member will correct his. It is subsection 36(5) of the act under section 9 of the bill.

Mr. Mancini: Earlier on, Mr. Chairman, we dealt with the formula in clause 36(1)(a) and found it wanting. We changed the formula. The Liberal Party proposed that the formula be dropped completely and that we institute instead a lump sum payment of \$50,000, which is easily explainable and which we find fairer. We did the same thing with a following section that I do not have before me right now. It is what we want to do with subsection 36(5).

Our intent is to keep the amendments we are making uniform, and therefore it is incumbent on us to change the \$40,000 to \$50,000. The explanations for the change were given during my discussion of subsection 36(1). I do not want to repeat those discussions. That is the reason for and the intent of the amendment.

Mr. Lupusella: Mr. Chairman, I had an opportunity to go through the content of this section. I understand the member decided to choose \$50,000. I think our previous formula was an improvement to the system. By the calculation I went through with some people, I finalized the formula enunciated by the member, which is in the final analysis that surviving

spouses will receive less in comparison to what we are giving them. I will recalculate the situation and express my position when the vote is placed before the House.

Mr. Mancini: Mr. Chairman, I would like to see those calculations. To suggest that in some way \$40,000 is greater than \$50,000 is something I cannot accept at the moment. Therefore, my amendment stands and the continuity of my amendment stands.

Mr. Chairman: All those in favour of Mr. Mancini's amendment to subsection 36(5) of the act under section 9 of the bill will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Chairman: Mr. Mancini, I believe you have an amendment to subsection 36(7).

Mr. Mancini: This might be a good time to adjourn.

Mr. Chairman: You never know. How long is it going to take?

Mr. Mancini: It is going to take some time.

On motion by Hon. Mr. Ramsay, the committee of the whole House reported progress.

The House adjourned at 6 p.m.

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No. 132

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Legislative Assembly of Ontario



Fourth Session, 32nd Parliament

Tuesday, December 4, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 4, 1984

The House met at 2 p.m.

Prayers.

PRESENTATION OF APPLES

Mr. G. I. Miller: Mr. Speaker, on a point of information, I would like to bring to your attention that the apples on our desks today were grown at the farm of Tom and Joan Haskett in Victoria. He has 240 acres of orchards.

They are presented by the member for Haldimand-Norfolk just to focus a little attention on Christmas, which is drawing close. I believe it adds a little colour to the Legislature to have a little red tinge from the delicious apples that are put on every member's desk.

Mr. Speaker: On behalf of the Legislature and myself personally I would ask you to convey our thanks, particularly because of the fact that I seem to have two rather than one. Thank you.

ANNUAL REPORT, PROVINCIAL AUDITOR, 1984

Mr. Speaker: I beg to inform the House that I am today laying upon the table the annual report of the Provincial Auditor of Ontario for the year ended March 31, 1984.

STATEMENT BY THE MINISTRY

MORGENTALER TRIAL

Hon. Mr. McMurtry: Mr. Speaker, my senior crown law officers and I have examined the legal implications of the acquittal of Dr. Henry Morgentaler and others of conspiracy to violate the provisions of the Criminal Code with respect to abortion.

I have asked my crown law officers to consider whether or not this is an appropriate case for me to appeal to the Ontario Court of Appeal pursuant to the provisions of clause 605(1)(a) of the Criminal Code. The matter has been studied with great care by my legal advisers and I have had the opportunity to meet with them and consider their recommendation.

In the normal case, it is perhaps somewhat unusual to make a statement in this assembly about the reasons for such a decision. In this case, because of the very high degree of public concern about the legal issues involved, I think it

is appropriate that I advise this House not only of the result of the decision but also in a general way of the reasons for that decision.

Considering the legal importance of the issues involved and considering the public interest in ensuring that decisions in this matter be made scrupulously in accordance with the correct legal principles, it seems appropriate at the outset to remind the members of this assembly, and the public, of some of the fundamental principles in relation to this decision.

The first great, central principle is that decisions made by the Attorney General and his crown law officers in criminal matters be based purely on legal considerations and considerations of the public interest in the administration of criminal justice. It is a well-established and inviolable tradition of my office that the decision to appeal or not is quasi-judicial.

As a former Attorney General of England once stated: "The duty which the law throws upon the Attorney General in regard to putting the criminal law in motion is one of the most anxious and responsible which any man could well have thrown upon him. In discharging that duty, the Attorney General is exercising a function of an almost judicial nature."

This principle has guided me on a daily basis during my nine years as Attorney General of Ontario. It is fundamental that the exercise of my discretion in this case is made with a strict and sole regard to my public duties as chief law officer of the crown. In reaching my decision in this case, I have considered a number of factors and principles that I shall outline in more detail in a moment.

This decision has taken some time because of the need to give it the fullest legal analysis and consideration. It has also been necessary to have transcribed hundreds of pages of trial notes, submissions and the charge to the jury by the learned trial judge. It took some time to have this material transcribed and reproduced. My senior criminal law advisers have given the matter the fullest legal analysis in accordance with the procedures governing the consideration of possible crown appeals.

The decision to appeal or not to appeal, or to prosecute or not to prosecute further in this case,

has nothing to do with the merits of Canada's abortion laws or with anyone's personal view on the issue of abortion. The issue of abortion is one that engenders strong emotion. It deeply divides the community and it deeply divides many families.

My private views on this subject, and the views of my senior crown law officers who have advised me with respect to the legal issues in this case, are simply irrelevant. I am sure if I were to inquire of my crown law officers as to their personal views on this issue, I would receive the same strongly varied and divergent cross-section of personal views that are widely held in the community.

Of course, I have not asked them their views nor do I intend to; however, I think it is significant that the legal advice I have received is unanimous on the part of my legal advisers. While the issue here has nothing to do with personal convictions on the issue of abortion, it has everything to do with the proper administration of criminal justice and the consideration of legal values and the public interest in the proper administration of criminal justice.

The question of access to abortion and the question of personal decisions around abortion are questions which have brought great anguish to many women and many members of the healing professions in particular. These questions have touched many individuals and many families very deeply. I must respect the strongly and sincerely held views of those who argue for the right to choice and for an increase in access to legal abortion services. I must likewise respect the strongly and sincerely held views of those who oppose abortion on grounds of conscience.

2:10 p.m.

The views on either side of this controversy can have no influence on the legal decision I must make. My duty is to consider the legal issues involved and the public interest in the administration of criminal justice without reference to the merits of either side of the abortion controversy. Those are matters to be considered by the Parliament of Canada. These matters cannot properly influence or play any part in the decision I must make with respect to the existing criminal law in force in Ontario at this time.

One of the most difficult and troubling problems in this case is the importance of the jury system and the significance of the jury's verdict of acquittal in criminal cases generally and in this particular case.

As a trial lawyer for 20 years of my life, I have deep respect for the jury system. As Attorney

General, that respect has been deepened by a growing appreciation of the crucial role the jury system plays as a guardian between the state and the individual. The jury system protects the public by convicting in cases where jurors are satisfied on the evidence beyond a reasonable doubt that the accused has committed an offence. The jury system protects the individual accused by acquitting if the jurors have reasonable doubt that the accused has committed an offence.

The conduct of this case raises fundamental issues about the role of the jury in our system of criminal justice. The accused readily agreed under oath that he had decided to break the law. The jury acquitted him after being urged by the defence to use its verdict as a vehicle for the purpose of amending or nullifying the law enacted by Parliament.

It has been widely suggested that this case means juries have the right to turn away from the law, to decide that the law is wrong and to uphold a civil responsibility to defy a law that one considers to be harmful.

If this verdict stands unchallenged, it would be open to defence counsel in any case to urge the jury that the law was wrong and that the jury should disregard the law. It might also be open to crown counsel to suggest that a jury ignore traditional legal safeguards enjoyed by accused persons in order to secure a conviction. This has profound implications for our jury system and for the enforcement of the criminal law generally.

This question of the jury's right to judge the law and to strike down a law it dislikes is a question which, to use the words of one of the senior crown law officers in my ministry, goes to the root of our system of justice with ramifications far beyond this case. As such, it raises a question of law of great significance.

This case raises another serious question of law of great public importance: the question of the precise legal scope and application of the defence of necessity. In this case, the accused readily admitted that he broke the law, but he also relied upon the defence of necessity to relieve him of the consequences of his actions.

The defence of necessity was recently considered by five judges of the Supreme Court of Canada in the case of *Regina versus Perka*, decided on October 11, 1984. The Chief Justice of Canada, the Honourable Brian Dickson, reviewed the state of the law as to the existence of such a legal defence. I quote from his judgement:

"In Canada, the existence and the extent of a general defence of necessity was discussed by this court in *Morgentaler v. the Queen*, [1976] 1

SCR 616. As to whether or not the defence exists at all, I had occasion to say at page 678: 'On the authorities it is manifestly difficult to be categorical and state that there is a law of necessity, paramount over other laws, relieving obedience from the letter of the law. If such a principle exists, it can go no further than to justify noncompliance in urgent situations of clear and imminent peril when compliance with the law is demonstrably impossible.'"

The present Chief Justice went on to write, "Subsequent to Morgentaler, the courts appear to have assumed that a defence of necessity does exist in Canada."

After discussing the subsequent proceedings in Regina versus Morgentaler and reviewing later Canadian decisions, Chief Justice Dickson said:

"In Morgentaler...I characterized necessity as an 'ill-defined and elusive concept.' Despite the apparently growing consensus as to the existence of a defence of necessity, that statement is equally true today."

Although the existence of the defence of necessity was clarified in Perka, its exact scope and application are still in controversy.

These two questions of law—the role of the jury and the exact scope and application of the defence of necessity—have implications, of course, far beyond the law of abortion. Indeed, they have profound implications for our criminal law as a whole.

In my view, the public interest in the administration of criminal justice requires that these matters of legal controversy be clarified through the scrutiny of an appellate court. I have therefore accepted the advice of my criminal law advisers that a crown appeal to the Court of Appeal for Ontario should be commenced pursuant to the provisions of clause 605(1)(a) of the Criminal Code of Canada upon the following grounds of appeal involving questions of law alone:

1. The learned trial judge erred in law in leaving the defence of necessity to the jury in that there was no evidence of one or more of the constituent legal elements of the defence of necessity.

2. The learned trial judge erred in law in leaving the defence of necessity to the jury in the absence of sufficient evidence to convey a sense of reality to that defence.

3. Alternatively, if there was sufficient evidence to merit an instruction on the defence of necessity—and I should say that I am quoting directly from our notice of appeal—the learned trial judge erred in law by (1) leaving to the jury

for its consideration in assessing the applicability of the defence of necessity matters that were irrelevant to that defence, and (2) failing to instruct the jury on other matters that were relevant to the applicability of that defence.

4. The judge erred in law in permitting defence counsel to address the jury in a manner that, *inter alia*, (1) was inflammatory and calculated to cause the jury to disregard its oath in rendering its verdict; (2) urged the jury to render a verdict based on its assessment of whether the law was a "good" law or a "bad" law; (3) invited the jury to find that the conduct of the respondents was justified based upon an assessment of the constitutional validity of the legislation; (4) urged the jury to render a verdict based on its assessment of the consequences of its verdict and the social desirability of those consequences; (5) invited the jury to consider irrelevant matters, such as the attitudes and concerns of politicians; and (6) invited the jury to use its verdict to make a political statement to governmental authorities and agencies.

5. The learned trial judge further erred in law in his instructions to the jury by failing to instruct the jury fully, forcefully and specifically concerning each of the improper submissions made by counsel for the respondents to the jury. The trial judge did not direct the jury in a manner that could ensure that the jury would disabuse its mind of improper submissions made by counsel for the respondents and decide the case according to its oath.

It should be noted further at this time that the crown appeal will give the defence an opportunity it would not otherwise have had to challenge the Criminal Code abortion provisions in the Court of Appeal on constitutional grounds. The launching of the crown appeal automatically gives the defence the right to raise all its constitutional and Charter of Rights arguments, which were dismissed by the learned trial judge before the commencement of the trial. The crown appeal thus affords to the defendant one of the very things he sought by his challenge to the law: that is, an opportunity to challenge in an authoritative legal tribunal the constitutional validity of the laws with which he disagreed.

2:20 p.m.

Honourable members will undoubtedly ask whether new charges will be laid pending the disposition of the matter in the Ontario Court of Appeal. In that context, I repeat what I said in the standing committee on administration of justice of this assembly on December 9, 1982. The full

text is attached to this statement as an appendix. In part, I stated at that time:

"Ontario's policy on the prosecution of criminal offences has always been to permit any police officer or any other person to lay any charge he or she has reasonable and probable grounds to believe has been committed. Neither the Attorney General nor his agents attempt to control or prevent this basic right. If a justice of the peace, exercising unfettered discretion, decides that there is sufficient evidence for the charge to proceed, it is then and only then that the Attorney General, acting in an open court, may intervene to stop the prosecution."

Police officers are entitled to seek and receive advice from the crown law officers in exercising their discretion and judgement with respect to the laying of charges. I assume that advice will be sought and given. I cannot speculate at this time on what the advice will be; it will depend on the evidence and the precise factual situation put before the crown law officers for their consideration and advice.

In my view, having regard to the particular circumstances of this individual case, the public interest would not be served by proceeding with a trial against the same accused on substantially the same evidence until the disputed legal issues have been resolved by the Ontario Court of Appeal.

There are some cases in which it might be appropriate to proceed with another trial pending the resolution of an appeal. This is not one of those cases.

As the appeals are being taken because of the legal dispute about the application of the defence of necessity and the role of the jury, I cannot think any useful purpose would be served by proceeding with a virtually identical trial as long as the law on the crucial issues remains seriously disputed. The law must be clarified before the accused are again put upon their trial in this province on substantially the same evidence.

To proceed to another trial without first clarifying the law would also create an extremely difficult legal dilemma for the trial judge, faced with the very same unresolved legal dispute that is before a higher court for its decision. It could be regarded under the unique circumstances of this case as a demonstration of disrespect for the jury system and for our system of orderly resolution in appellate courts of disputed legal issues.

My responsibility as Attorney General relates primarily to the conduct and supervision of proceedings after they are initiated by others.

Police officers are entitled to the legal advice of my crown law officers in considering the legal and public interest implications of a contemplated prosecution.

I have, as stated above, however, no power to prevent a police officer or, indeed, any citizen from proceeding before a justice of the peace to seek the commencement of a criminal prosecution, so long as it is supported by reasonable and probable grounds. My function in ensuring the provision of appropriate legal advice to the police and in supervising the conduct of prosecutions is quite different from the function of the police officer or any other citizen who decides on his own personal sworn oath to accept the responsibility for commencing a criminal prosecution.

May I conclude by thanking the members of this assembly for their attention. My accountability to them for the public discharge of my duties as Attorney General has required me to inform them of my decision and my reasons for that decision. Those reasons include, most important, my duty to safeguard the public interest in the administration of criminal justice. It is that duty above all that has guided me and my crown law officers in this difficult decision.

The legal implications of this case go far beyond the difficult, complex and emotional issue of abortion. They go to the very heart of our system of criminal justice and, therefore, deserve the scrutiny of the highest court of law in this province.

The decision to initiate a crown appeal is not related to the abortion controversy. The decision not to proceed to trial pending the appeal against the same accused on substantially the same evidence is not related to the abortion controversy. Both decisions are unrelated to the very controversial issue of abortion, but they have everything to do with the integrity of the administration of criminal justice. All our individual freedoms and liberties depend ultimately upon the rule of law and the integrity of the administration of criminal justice.

In protecting the public interest in the administration of criminal justice, attorneys general and crown law officers are called upon from time to time to make difficult decisions. In making those decisions, they cannot avoid their legal duty, no matter how difficult or unpopular or controversial the discharge of their responsibilities may be. This, indeed, is one of those difficult and controversial decisions.

I fully appreciate the controversy that will surround this decision, but that consideration has not and will not deter me from the path to which

the law has drawn me in discharging my duty as Attorney General to safeguard the public interest in the administration of criminal justice.

ORAL QUESTIONS

MORGENTALER TRIAL

Mr. Peterson: Mr. Speaker, I have a question for the Attorney General with respect to his statement. While I understand and appreciate that he has made his decision on narrow legal grounds, the role of the jury, the charge to the jury, the speech to the jury and the defence of necessity, the Attorney General will be the first to recognize he has gone through this dilemma because of the way the federal law is currently written and the fact that the enforceability of that law is, as it is, somewhat ambiguous.

Has the Attorney General had any discussions in his capacity as the chief law officer of the crown with the federal Minister of Justice with respect to a review of the Criminal Code, of the federal law, so the will of Parliament will be very clear?

Hon. Mr. McMurtry: No, I have not, Mr. Speaker, for a very fundamental reason. As Attorney General of this province, my responsibility is to the law as it is laid down by the Parliament of Canada, particularly when there is an issue of public importance before the courts. For me to engage in discussions with the federal Attorney General and Minister of Justice on the appropriateness of the law, at the very time when I have the responsibility for administering that law, would, in my respectful view, be inappropriate.

Mr. Peterson: With great respect to the Attorney General, I have heard him on many occasions speak out about federal matters and about matters in the Criminal Code of Canada. He may have changed his mind in this respect, but certainly it does not conform to his previous practice.

Does he not feel as the chief law officer of the crown of this province, as the enforcer, as they say, that he wants to have discussions with his federal colleague, in the fullness of time, so the will of Parliament will be reflected by juries in this country? Surely he wants to clear that up so he will not continually go through the kind of dilemma he has had to go through in the last little while.

2:30 p.m.

Hon. Mr. McMurtry: Understandably from time to time, it is very appropriate for the Attorney General of any province to discuss the

law, particularly the law as laid down in the Criminal Code, with the Minister of Justice for Canada. Obviously, the timing of any such discussions has to be governed to some extent by matters that are currently before the court.

I repeat what I said earlier. While discussions may well occur with the Minister of Justice at some point in the future, the time of which it would be difficult to speculate about—and I cannot speculate whether those discussions will even take place or not—it would be inappropriate and rather confusing to the public if the Attorney General of a province were to be engaged in active discussion with the Minister of Justice in relation to the appropriateness of particular laws that are very much the subject of issues before the courts of our province.

Mr. Sweeney: Mr. Speaker, I have a question of the Attorney General for purposes of clarification. I understood the minister to say in his statement that the defendant in this case clearly admitted under oath that he had broken the federal law. It is also my understanding from the federal Minister of Justice that the federal law has not been changed and that there are no plans to change it, at least in the near future.

Did I correctly understand the Attorney General to say if the same defendant goes out and breaks the law again it would be appropriate for the police of this province to so charge him, but, and this is where the clarification is necessary, did I understand him to say he was not sure whether it would be advisable that a trial take place after that charge was laid? Is that the distinction the Attorney General was making or did I miss something?

Hon. Mr. McMurtry: Mr. Speaker, I appreciate that it was a lengthy statement and a number of issues were dealt with in that statement. In the statement I tried to make clear, amongst other things, two important issues in relation to what might or might not happen in the future.

I attempted, first, to the best of my ability to make it clear the decision to lay or not to lay a charge is not a decision of the Attorney General or his ministry. Crown law officers are, of course, available to police officers, to law enforcement officers who may or may not seek their advice. In most circumstances, the decision to lay or not to lay a charge must be made by a police officer acting or not acting on the basis of legal advice obtained by him or her, perhaps from a local crown attorney.

However, an Attorney General does not direct that charges either be laid or not be laid. Indeed, an ordinary citizen has access to the criminal

justice process through laying a charge before a justice of the peace on the balance of reasonable and probable grounds.

The distinction I attempted to make is that, while the Attorney General and his ministry are not involved in the laying of a charge, the decision whether or not to proceed with any charge that might be laid is within the responsibility of our ministry.

In view of the great public controversy that surrounds this issue, and given what Dr. Morgentaler himself has stated about his future intentions, a great many questions have already been asked about what would happen if Dr. Morgentaler were to follow through with the intentions he stated very frankly to the public of this country.

What I attempted to make clear in the statement was that in the event a charge was laid—and that decision would not be mine—the charge would not be proceeded with and there would not be another trial in this matter until the outstanding legal issues were clarified by the Court of Appeal.

I hope the statement outlines very good reasons why it would be unwise in the public interest to proceed with another trial while these important legal issues are pending in the Court of Appeal.

PHARMACEUTICAL INDUSTRY

Mr. Elston: Mr. Speaker, I have a question for the Minister of Health, who, as becomes more obvious all the time, is unable to see eye to eye with his colleague the Minister of Industry and Trade (Mr. F. S. Miller) with respect to fiscal and financial restraint and management.

About a year ago the Leader of the Opposition (Mr. Peterson) asked a question of the then acting Minister of Health with respect to the overpayments under the Ontario drug benefit plan. The member for Scarborough North (Mr. Wells), the acting minister, said, "I think my friend is perhaps exaggerating a little," when the suggestion was made that overpayments were \$10 million.

The auditor's report says the overpayments are conservatively estimated at \$14.5 million for a one-year period. Can the minister tell us why he and his predecessors, the current Treasurer and Minister of Economics (Mr. Grossman) and the current Minister of Agriculture and Food (Mr. Timbrell), would allow this gross overpayment of funds to one particular sector in this province without taking adequate steps to ensure that

economies were put in place to save the public dollars of this province?

Hon. Mr. Norton: Mr. Speaker, first of all, I think the implication in the question that anyone would knowingly permit that type of thing to occur is a little unfair.

In fact, the honourable member will probably recall that my immediate predecessor began to take action a year ago this past May or June, if I am not mistaken, to address a specific situation that came to his attention relating to excessive prices being assigned to a particular drug product. When I became aware in August or September a year ago, shortly after coming to the ministry, that this might well apply to other products as well, I immediately began to meet with representatives of the pharmaceutical industry in an effort to sort out what was a very complicated situation. I made very clear my intention to address the problem I perceived to exist.

During the course of the fall a year ago, it became evident to me the problem was not going to be resolved by way of bilateral discussions, that the perception of the problem was so different on the two sides that it was going to require the efforts of some third party to provide us with another perspective.

It was at that point I undertook to establish an inquiry into the matter under Commissioner John Gordon of Queen's University. As the member may be aware, it has now been completed and I have received a report on it. However, in the meantime, some 30 pharmaceutical products have been reduced in price as a result of our efforts.

Mr. Elston: The Minister of Health will probably know the auditor has reviewed some 30 high-volume products that are listed both in the Ontario formulary and in the Saskatchewan formulary and discovered that a full 80 per cent of those listed in the Saskatchewan formulary were under the price of the Ontario drugs as listed in that price schedule. He will also understand that a good number of those drugs were listed at prices twice as high as those listed in the Saskatchewan formulary.

Mr. Speaker: Question, please.

2:40 p.m.

Mr. Elston: Since I was told by the auditor and his staff during our lockup that the ministry knew more than two years ago this problem existed, can the minister tell us how he went on for such a long time sending excess public funds into one element of the economy of Ontario while

whispering in the ear of all hospitals and others in the health care field to be responsible in the type of expenditures they make?

Hon. Mr. Norton: Mr. Speaker, the honourable member is quite correct in suggesting there were prices quoted by pharmaceutical manufacturers to other provinces that differed from the prices quoted to Ontario. I can assure him that did not go without notice on my part.

Mr. Elston: Does the minister mean he is so weak that—

Hon. Mr. Norton: Is the member interested in hearing the answer to this very difficult issue? It is a very serious matter.

Mr. Van Horne: The minister should get on with it then.

Mr. Speaker: Order. Proceed, please.

Hon. Mr. Norton: It is such a complicated issue to address.

Mr. Elston: We should have another minister, then.

Hon. Mr. Norton: Will the member please listen for one moment?

It is not simply a matter of taking arbitrary unilateral action. For example, I very seriously contemplated switching the system in Ontario completely to calling for tender prices or quotations on these products. Being such a large part of the Canadian market, the difficulty we face in that respect is that it would have the effect of putting a number of companies out of business.

That may not be a serious concern for the member. The serious concern for me was that it would have eliminated competition in the Canadian market, which probably would have put us into a much more serious situation with respect to drug pricing than the one we face now. I am continuing to address the problem.

Mr. Philip: Mr. Speaker, does the minister not agree the report of the Provincial Auditor clearly indicates there is not the competition he has indicated? Through the minister's bumbling, he has managed to give \$14 million to the drug industry that should have gone into health care. Is the minister prepared to implement the recommendations of the auditor that would correct this problem?

Hon. Mr. Norton: Mr. Speaker, the honourable member obviously knows not of what he speaks when he says there is no competition in the market. I think there is too little. If he understands the effect on the market of, for example, the generic manufacturers as opposed

to the originating manufacturers of these products, he will understand that the effect has been to provide for significant activity in the area of competitive pricing.

It has not gone far enough, in my opinion. We ought to be benefiting more from that. At the moment I am not going to make any comment with respect to the specific recommendations that may be forthcoming from the auditor. I did not have the benefit of being briefed on the contents away from the public eye, as some of the members opposite did.

I can assure the member the auditor's recommendations will be taken into consideration in conjunction with the much more detailed work that has already been undertaken by our ministry through the agency of a commissioner to examine this issue.

Mr. Elston: Mr. Speaker, I understand the minister has entered into some very difficult negotiations with the drug industry. It might serve us well to read the auditor's report and find out that at the same time as he lowered the price for some of the dispensed drugs, he also gave the pharmacists of Ontario an increase of 35 cents, I presume as an incentive to go along with the renegotiated value.

What the minister did was give about \$7.9 million of estimated savings back to the pharmaceutical industry. Can he tell us on what basis he was able to give an extra 35 cents to the pharmacists with respect to their dispensing fee? Why did he agree to that increase when the auditor indicates he could have been saving well over \$14 million?

Hon. Mr. Norton: Mr. Speaker, I can assure the honourable member the answer to that is a straightforward one. Concern had always been expressed on the part of the negotiators for the pharmacists—not the pharmaceutical firms—that the dispensing fee in this province was, on the face of it, lower than the dispensing fee to pharmacists in other provinces in Canada.

The member shakes his head no, but if he had seen the dispensing fees quoted, his head would have been going this way instead of that way. Maybe he is not sure which way it should be going.

Mr. Speaker: Back to the question, please.

Hon. Mr. Norton: In any event, recognizing there were differences in the dispensing fees quoted, and recognizing the steps we were taking to reduce the prices of 30 high-volume, multiple-source drugs, it was agreed without prejudice, pending the outcome of the report of the commissioner, we would raise our dispensing fee

to approximately the average that is paid to pharmacists in other parts of this country—

Interjections.

Hon. Mr. Norton: Listen. Is the member interested in hearing the rest of this? It is important, I think.

Mr. Speaker: Order. Thank you, Minister.

MORGENTALER TRIAL

Mr. Rae: Mr. Speaker, I have a question for the Attorney General concerning the statement he made to the House today. I want to say to the Attorney General in preface that I think he has made a mistake. I think that in the administration of justice in this province it is a decision he is going to regret.

Mr. Speaker: Question, please.

Mr. Rae: That having been said, the Attorney General has set out a number of grounds on which he is appealing. The first has to do with the role of the jury in the criminal justice system. Will the Attorney General look at pages 6 and 7 of his statement? He seems to imply clearly in this statement that he and his senior crown law officers know why the jury chose to acquit the doctors who were charged with the particular offence. He said, "The jury acquitted him after being urged by the defence to use its verdict as a vehicle for the purpose of amending or nullifying the law enacted by Parliament."

Is it not true that several other grounds for acquittal were put to the jury, in particular the defence of necessity? Is it not true that those grounds were specifically put to the jury by the defence counsel? Is it not true that this is a specific ground upon which the jury could have acquitted Dr. Morgentaler, that the Attorney General has no idea why the jury chose to make its decision and that whatever arguments may have been put to it by defence counsel are really irrelevant? What is relevant is the counsel of law put to it by the judge, to which I have not seen a challenge from the Attorney General.

How is it that the Attorney General seems to know why the jury reached the decision it reached?

Hon. Mr. McMurtry: Mr. Speaker, with all respect to the leader of the New Democratic Party, it is not correct in law for him to say that what counsel says to the jury is irrelevant. What counsel says to the jury in any particular case can be a ground for appeal.

Obviously, counsel has a very vital role to play in any trial, and particularly in any jury trial. What counsel says to a jury is not irrelevant.

Obviously, at the same time we recognize that considerable latitude is recognized in relation to what counsel can say to the jury. For a counsel's address to form the basis of an appeal, clearly it must be the view of our law officers that the submissions to the jury go far beyond the boundaries, which are generally fairly wide; but what counsel can say to a jury and what counsel did in fact say to the jury in this case are indeed very relevant and a major ground of appeal.

2:50 p.m.

If the leader of the New Democratic Party reads that part of the statement relating to the notice of appeal and the grounds we have repeated from our notice of appeal, he will note we are also taking objection to some of the judge's instructions to the jury.

Mr. Rae: One could readily argue that the statements made by the prosecutor to the jury in the case, saying something to the effect that there would be anarchy in the streets if the jury did not uphold the conviction, could be described as being inflammatory as much as anything else that was said to the jury.

Mr. Speaker: Question, please.

Mr. Rae: Perhaps I may refer to the second ground on which the Attorney General has indicated his appeal, the defence of necessity. We are now into the fourth time around. I am sure the Attorney General is aware of the facts of another trial concerning Dr. Morgentaler, in Quebec, the second time around.

Is it not true the Court of Appeal of Quebec found in that prosecution and trial that there was sufficient evidence with respect to the defence of necessity and the court took the view that the defence of necessity existed in that case and that it was permissible to go to the jury with that defence? Is it the view of the Attorney General, and will it be the view of the crown, that the defence of necessity could not have been put forward by defence counsel in this instance, the fourth time around?

Hon. Mr. McMurtry: The counsel for my ministry will put the argument in his or her own words, but we recognize that a defence of necessity does exist in law in Canada although, as the Chief Justice has stated, there are some clear problems in relation to that defence.

In so far as this case is concerned, our position is simply that given the evidence in its totality, and assuming the jury accepted the total evidence introduced or adduced by the defence with respect to the defence of necessity, that evidence in its totality did not meet the legal standards that

have been laid down by our courts as to what can constitute a defence of necessity.

Mr. Spensieri: Mr. Speaker, will the Attorney General enlighten us on this side as to why, having made the statement he has, he would fetter his discretion as to prosecution pending the appeal in a manner that only can be calculated to encourage activity of the type that has been charged?

Hon. Mr. McMurtry: Mr. Speaker, what the honourable member opposite states is quite wrong and inaccurate. I urge him to read my statement a little more carefully.

Mr. Rae: On that point, we had a statement from the Solicitor General (Mr. G. W. Taylor) over the weekend stating that in his view the police would have no choice but to lay charges. That is a view from one of the law officers of the crown in this assembly. Is the statement of the Solicitor General the policy of the government? Is it the position of the government of Ontario?

In relation to that question, if charges are laid, does this not mean that women who are involved in having abortions could be charged by the police in these circumstances? Is it not possible that equipment again will be seized by the police? Is it not possible that this matter again will be decided by the administrative activities of the police rather than by the courts and the Court of Appeal, which seems to be the view the Attorney General is advancing?

Hon. Mr. McMurtry: I did not hear what the Solicitor General stated on the weekend. If the member wishes clarification, he should seek it from him. I want to make this very clear. With respect, I urge the member to read my statement carefully. The decision to lay or not to lay a charge will not be the decision of either the Solicitor General or the Attorney General.

NORTH YORK DEVELOPMENT

Mr. McClellan: Mr. Speaker, in the absence of the Premier (Mr. Davis), I have a question of the Deputy Premier with respect to the cabinet's order in council of October 26, 1984, wherein the cabinet approved the official plan amendment and zoning bylaw for the Ramparts civic centre development.

Has the Deputy Premier had the opportunity to read the editorial in this morning's *Globe and Mail*, which concludes with a very accurate summary paragraph? It reads in part, referring to the Minister of Education (Miss Stephenson): "...her decision to involve herself in the appeal process was misguided; her current refusal to concede that she made a mistake is just not good

enough. Without questioning Dr. Stephenson's honesty, we find her failure to declare a possible conflict in this matter unacceptable."

What action does the Deputy Premier and the government intend to take to resolve the question of conflict of interest in this case?

Hon. Mr. Welch: Mr. Speaker, it was made quite clear yesterday that there is no conflict of interest. The Minister of Education made that point quite clear in a very detailed answer here. She did not involve herself in the appeal process and, as far as we are concerned, the matter was clearly dealt with yesterday in response to all the questions, that were quite detailed, by way of the responses the honourable member has already received.

Mr. McClellan: In the same edition of the *Globe and Mail* is a statement from North York's chief planner, Mel Mathews, saying the development project, together with the new subway station, "will accelerate developers' interest in that (Dr. Stephenson's) block and other property blocks."

Is the Deputy Premier telling us in this assembly that he shares, if I may put it this way, the perceptual handicap of the Minister of Education with respect to an obvious conflict of interest situation, in which she made representation to cabinet colleagues to approve a project, the outcome of which, according to the chief planner of North York, is to accelerate developers' interest in her property?

Hon. Mr. Welch: The Deputy Premier does not preclude anyone, including directors of planning, from speculating about whatever they want to speculate about. I am standing in my place in this Legislative Assembly saying that the Minister of Education is a woman of conscience and integrity and there is absolutely no conflict of interest. That should be quite clear to the member on simply reviewing the facts of this case.

Mr. Peterson: Mr. Speaker, the Deputy Premier has been around here a long time. He has seen the conflict of interest guidelines that have been put forward in the *Manual of Administration* for public servants. They talk about not only conflicts of interest but also perceived conflicts of interest, wherein the penalty is dismissal in certain circumstances. He has also seen the Premier's own guidelines with respect to cabinet behaviour.

What is the Deputy Premier's interpretation of this situation? What does he feel is the appropriate measure of conflict of interest? What are the rules under which the government operates over there?

Hon. Mr. Welch: Mr. Speaker, back in 1972 certain guidelines were laid down as far as members of the executive council were concerned. A very important decision was taken, as far as this administration and this country were concerned, governing the activity of members of the executive council outside the executive council.

As members of the executive council, we presume to deal with all these matters, as I have already mentioned, as matters of conscience and principle. We have had all these matters reviewed. There is no conflict of interest. This minister has acted quite responsibly.

Why does the honourable member continue to ask questions along that line? As far as I am concerned, there is no evidence of a member of the executive council acting in any way in conflict with the public interest.

3 p.m.

Mr. McClellan: The Minister of Education has a piece of property, the value of which went up as a result of a cabinet decision in which she participated.

I want to ask the Deputy Premier a question with respect to the guidelines on conflict of interest promulgated by the Premier on September 14, 1972. The guidelines read, "Wherever a public servant considers that he could be involved in a conflict of interest and that he might derive personal benefit from a matter which in the course of his duties as a public servant he is in a position to influence, he shall disclose the situation." The guidelines go on to say, "Failure to disclose leads to dismissal."

Mr. Speaker: Question, please.

Mr. McClellan: Is it the position of the Deputy Premier that this conflict of interest guideline, which is binding on public servants, is not binding on members of the cabinet? Will he relay to the Premier that there is a need for the Premier himself to review this matter and report to the House on whether his own conflict of interest guidelines have been violated in this instance?

Hon. Mr. Welch: Mr. Speaker, there has been no violation of any conflict of interest guidelines. I have repeated this answer to the main question, the supplementary question and another supplementary question. We are talking about a woman of integrity and conscience and there is no conflict of interest.

HORTICULTURAL PRODUCTS LABORATORY

Mr. Epp: Mr. Speaker, the Minister of Agriculture and Food is no doubt aware of the

report of the Provincial Auditor today that speaks about the construction of the horticultural products laboratory, which had capital construction approval of \$870,000. The guidelines by Management Board stipulate that any further construction must also have the approval of Management Board.

Since the total cost was double the \$870,000 originally approved by Management Board, why was the approval not obtained from Management Board rather than fragmenting the contracts?

Hon. Mr. Timbrell: Mr. Speaker, the original project was announced in the fall of 1981 by the Premier (Mr. Davis). Shortly afterwards, details were announced by the member for Lambton (Mr. Henderson), the then Minister of Agriculture and Food.

I take it the issue in the auditor's report is whether there was approval. Inasmuch as projects of this size are normally carried out by the Ministry of Government Services, it would appear that strictly speaking there was not a Management Board minute, but the details of it were well known to Management Board. There were meetings with the Management Board staff. The Premier's announcement, the minister's announcement and the inclusion of funds for the project in the subsequent estimates of the Ministry of Agriculture and Food would seem to have made it very evident the project was going to proceed.

Mr. Epp: The minister is aware the contract was fragmented and there is no clear evidence to show approval was obtained from Management Board. Why is the minister using the back-door approach of fragmenting the contracts in order to deceive the people of Ontario?

Hon. Mr. Timbrell: When the honourable member withdraws that word, I will answer the question.

Mr. Epp: Why is the Minister of Agriculture and Food not clearly giving all the information to the people of Ontario, particularly in view of the fact that the public is being—

Mr. Speaker: With all respect, the word "deceive" was asked to be withdrawn, not that the honourable member ask a new question.

Mr. Epp: I would be glad to withdraw it in the hope the minister will then clearly answer the question of why the information was not given to the public of Ontario.

Hon. Mr. Timbrell: I just finished indicating that the information was given in three separate ways. An announcement was made by the Premier on November 6, 1981; an announcement

was made by the then Minister of Agriculture and Food on December 14, 1981; and an inclusion was made in the printed estimates of our ministry for 1982-83 of a line item for storage research of \$1.1 million.

Mr. Wildman: Mr. Speaker, does the minister not understand we are talking about contracts and costs of contracts, not just announcements of projects by cabinet ministers or by the Premier?

Does he not realize it specifically states in the Manual of Administration that all capital expenditures for construction contracts costing more than \$400,000 must have specific approval of Management Board of Cabinet?

In this situation, as well as in the situation with regard to the energy-efficient greenhouses, he had projects, even when they were estimated to cost more than \$400,000, that were never approved specifically by Management Board.

Mr. Speaker: Question, please.

Mr. Wildman: What is the minister doing to ensure that he no longer flouts the Manual of Administration?

Hon. Mr. Timbrell: The original estimate for this project was less than \$400,000.

Mr. Wildman: It was \$870,000.

Mr. Speaker: Order.

Hon. Mr. Timbrell: The member should not forget that this was done in two phases, the second phase having come about as a result of the willingness of the Ministry of Energy to participate in a further phase. The original estimate for the first set of five houses was less than \$400,000. It is true the costs came in in excess of that, but I am talking about the estimate, on the basis of which we did not have to go to Management Board.

These are unique greenhouses. It is the first time this type of project has been carried out, and the estimate that was prepared to the best of the ability of staff of our ministry and of the Ministry of Government Services was less than \$400,000.

Mr. Speaker: New question.

Mr. Riddell: Mr. Speaker, I am here.

Mr. Speaker: The member for Algoma (Mr. Wildman) is here too.

ADHERENCE TO MANUAL OF ADMINISTRATION

Mr. Wildman: Mr. Speaker, in the absence of his colleague the Chairman of Management Board (Mr. McCague), can the Deputy Premier explain what measures the executive council is taking to ensure the provisions of the Manual of

Administration with regard to the approval of contracts are being adhered to by the ministers of the cabinet? What is the ministry going to do to ensure its own guidelines are not flouted by this government?

Hon. Mr. Welch: Mr. Speaker, it seems to me the Chairman of Management Board, in replying to this question over a period of time, has indicated that a memorandum was sent to all members of the executive council drawing attention to the Manual of Administration to ensure adherence to the statements set out therein.

If memory serves me correctly, the Price Waterhouse and Canada Consulting Group study on accountability is at present under way. From that, no doubt we may learn what other steps need to be taken to ensure the principles of accountability and adherence to whatever principles are necessary to ensure the same. I think there has been a general positive approach to this over a period of time on the basis of responses that have been given from time to time by my colleague the Chairman of Management Board.

Mr. Philip: Mr. Speaker, is the Deputy Premier not aware that the Provincial Auditor has been highly critical of the narrow and inadequate interpretation of the Ontario Manual of Administration by this government?

That interpretation has led to the point where a former Minister of Industry and Trade could obtain speechwriting without any kind of tendering or declaration of objectives, where the present Minister of Industry and Trade (Mr. F. S. Miller) can have his offices redecorated in a way completely in violation of the spirit of the Manual of Administration and where that great source of Tory patronage, the Liquor Control Board of Ontario, can hire consultants without tender or competition to do work that is already being done by the Ministry of Government Services.

Mr. Speaker: Question, please.

Mr. Philip: Is the Deputy Premier prepared to give an assurance to the House that the recommendations of the auditor regarding the expansion and clarification of the Manual of Administration will be carried out and that this government will police the ministries to see that the manual is adhered to, instead of squandering millions of dollars of taxpayers' money?

3:10 p.m.

Hon. Mr. Welch: Mr. Speaker, there is no question one has to review procedures from time to time and over a period of time. One of the benefits of the auditor's report is to draw our

attention to these matters. I have already mentioned that my colleague the Chairman of Management Board indicated to the House some months ago the establishment of the Price Waterhouse and Canada Consulting Group study. The auditor's report will surely be considered by the members of that study group.

At a time of the tabling of an auditor's report, I suppose it is always of some advantage to the opposition to single out exceptions. The auditor himself is very fair to point out in his report that this is a report of exceptions and that there is not a lot of time spent on all the positive things that go on or on the many areas where there are no problems.

To quote from his report, and I am sure the member would want me to say this, to have a balanced perspective on the matter: "Overall, we found that the areas audited during the past year were administered in a generally satisfactory manner.... We are pleased to report that we received all the information and explanations required in carrying on the work of the office."

Having said that, he points out there is still some work to be done. We acknowledge that. That is why the study is in place, and we hope we all benefit from that type of objective review.

Mr. Elston: Mr. Speaker, let me be positive for a moment. A statement about which the auditor is positive is that the Ministry of Natural Resources is in continuous use of consultants by its development section, and that is contrary to the Ontario Manual of Administration.

Mr. Speaker: Question, please.

Mr. Elston: Let me be positive again. The auditor says, as a positive statement of fact, that some \$3 million has been spent on consultants at a time when the Ministry of Correctional Services also is spending \$2.4 million on employees.

Mr. Speaker: Question, please.

Mr. Elston: Can the Deputy Premier tell me when he expects the Chairman of Management Board to come up with a final determination on this study, which has been scheduled for release since June 1984, was postponed to September, was later postponed to later in the fall, and now perhaps will not be available until some time in 1985? When will this take place so we can be clear that the expenditure of public funds is well monitored?

Hon. Mr. Welch: Mr. Speaker, there is a basic assumption that they are being well monitored. I go back to what the auditor himself says in his report. He says: "In many respects,

therefore, this is a report by exception. Reporting in this manner may unduly emphasize deficiencies without giving credit for the many situations where no significant irregularities were observed." That puts it in balance and he is being fair in that regard.

There are some matters that he draws to the attention of the Legislature. The honourable member has been here long enough to know that this report goes to the standing committee on public accounts. The Legislature will have an opportunity to review this matter in some detail with officials of the ministries referred to, and the ministers. In the meantime, we will have the benefit of the other study.

I am not able to provide any specific date on which the report is expected, but I will discuss the matter with the Chairman of Management Board and if that information is available I will share it with the members of the House.

UNITED CO-OPERATIVES OF ONTARIO

Mr. Sheppard: Mr. Speaker, I have a question for the Minister of Agriculture and Food regarding the financial difficulties facing United Co-operatives of Ontario, which has received much attention in the media.

I believe I speak for many members of the House in saying the fate of this major farm co-operative is of interest to many of the constituencies as supplier of goods and services, employer, competitor and purchaser of farm products. What is the position of the government of Ontario with respect to the financial restructuring of UCO?

Hon. Mr. Timbrell: Mr. Speaker, I am aware of the concerns expressed by a number of individuals and organizations who are and have been for some time competitors of UCO. The member's question is quite timely in that recently, on November 29 and 30, the creditors of United Co-operatives of Ontario voted overwhelmingly in favour of the proposed plan of arrangement by which the debts of the co-operative are to be restructured.

Mr. Elston: Let there be no light.

Mr. Nixon: Dennis, this is an omen.

Hon. Mr. Timbrell: I beg your pardon.

Mr. Speaker: Never mind the interjections, please.

Hon. Mr. Timbrell: I should have stayed in the Ministry of Energy a little longer.

Mr. Nixon: Larry is smiling.

Mr. Speaker: Order.

Hon. Mr. Timbrell: This bodes well. As the honourable members know, going back over the course of the last six months or so the financial problems of UCO had been a matter for considerable public discussion and debate. We have expressed the view all along, subject to them meeting some fairly tough minimum criteria, that the co-operative could survive. The fact that the major creditors have all overwhelmingly accepted the plan of arrangement is quite heartening and suggests to me that it will no doubt, in a restructured fashion, carry on into the future.

Mr. Sheppard: What are the conditions of this government's assistance to UCO; and is the minister aware of the concerns raised by many small competitors about such assistance?

Hon. Mr. Timbrell: I am indeed aware of those concerns. In fact, members on all sides of the House have approached me about them during the course of the last six or seven months.

The conditions are fairly straightforward and are embodied in the plan of arrangement. The first is that the holders of debentures, most of whom are retired farmers or survivors of retired farmers, be moved into a secured position. At present they are totally unsecured.

The second condition is that UCO accept and commit itself to implementing a realistic business turnaround plan. That has been done. As members know, apropos of that UCO made certain changes in its administrative structure as recently as two or three weeks ago.

Third, I want to assure the honourable member that what I will be proposing to cabinet, which has been part of our negotiations with UCO, is that the financial assistance from the government of Ontario be interest bearing and on a recoverable basis. There are many in the community who, for whatever reason, have perpetuated, or in some cases I suspect have even begun, certain rumours that there were going to be outright grants or no-interest loans, that sort of thing. I think this has to be done on a proper, businesslike basis and I will be recommending an interest-bearing recoverable loan.

Mr. McGuigan: Mr. Speaker, in assessing the opposition to government support for UCO, is the minister aware that private businesses have traditionally opposed the principle of patronage rebate? They make the claim that because of the patronage rebate the co-ops have some tax advantage; but this is not true, because any private organization can make a rebate to its customers. For instance, if we make a purchase

at a Canadian Tire store, we very often receive coupons that entitle us to a rebate.

Is the minister aware that this is a long-standing misconception on the part of private business?

Hon. Mr. Timbrell: Yes, Mr. Speaker.

Mr. Swart: Mr. Speaker, I may have missed it, but would the minister state categorically that \$7.5 million is now available as a result of the refinancing plan from his government to UCO and, if he has the information, would he tell us whether the \$7.5 million is also available from the federal government?

Further, in view of the grants and assurances that were given to Massey-Harris and to various other companies in this province that were in financial difficulty, would he not think his loan, if necessary, should be without interest? Does the farm organization not have as much right to government funds as these private corporations?

Hon. Mr. Timbrell: Mr. Speaker, I think the honourable member is at least a generation behind. Massey-Harris became Massey-Ferguson quite some time ago.

Hon. Mr. Ashe: He is just a little out of date.

Hon. Mr. Timbrell: Yes; a couple of generations—just like his political philosophy, as a matter of fact.

I have already stated clearly my position with respect to the nature of the financial assistance. I cannot speak for the government of Canada. The member asked me to give him an absolute assurance the assistance from the government of Canada is there. I believe it will be. Obviously, the Minister of Agriculture of Canada is the one who will finally have to answer that.

3:20 p.m.

Our assistance is subject to two things. First, the Supreme Court of Ontario has to accept the plan of arrangement. Now that the major creditors have accepted it, I would be very surprised, obviously, if the Supreme Court did not ratify it. After that, Ontario cabinet approval has to be gained, and I am very confident this will be the case as well, inasmuch as I have kept it completely apprised of all developments with respect to UCO for almost two years now.

TILE DRAINAGE

Mr. Riddell: Mr. Speaker, I have a question for the Minister of Agriculture and Food concerning this government's continuing neglect of eastern Ontario. The question refers to the increasing need for tile drainage loans to improve the agricultural potential in eastern Ontario.

I am sure the minister is aware that Russell township has experienced a shortfall of tile drainage loans of \$70,640, an amount it has requested from the ministry.

Mr. Speaker: Question, please.

Mr. Riddell: Will the minister give this House an assurance that Russell township will receive that extra funding? Will the minister amend the program so that those loans can be granted?

Interjections.

Mr. Speaker: Order. Does the Minister of the Environment want to answer?

Mr. Breough: Have them ejected.

Mr. Speaker: No.

Mr. Riddell: It is obvious they are in the dark over there.

Mr. Speaker: Question, please.

Mr. Riddell: When the lights went out while the minister was answering the last question, it reminded me of this ministry's treatment of farmers and how it always keeps the farmers in the dark and feeds them a constant diet of horse manure.

Mr. Van Horne: Will the minister in charge of horse manure please stand and answer the question.

Mr. Speaker: Order. Now for the question, please.

Mr. Riddell: Will the minister give this House the assurance that Russell township will get that extra funding? Will the minister amend the program so that those loans cover 75 per cent of the drainage costs rather than the present 60 per cent, since very few farmers can afford the extra money now that they are facing these very difficult times?

Hon. Mr. Timbrell: Mr. Speaker, as recently as about five days ago I had occasion to discuss the situation with the next MPP for Prescott-Russell, Mr. Gaston Patenaude. I assured him that because, to the best of my recollection, we have bought all the municipal tile drainage debentures offered up by eastern Ontario municipalities every year I have been in the ministry, I saw no reason that would not likely be the case again this year once the final reallocation is carried out.

As I recall, in the last reallocation for eastern Ontario, we gave those municipalities virtually all they had asked for. There are some, and I believe Russell township is one of them, that have gone higher in their requirements than what they had indicated to us at the last reallocation.

Mr. Riddell: Can the minister tell us why he has never acted on the promise, as announced during the 1981 provincial election campaign, to establish an acreage improvement fund to upgrade one million acres of northern and eastern Ontario land into high-quality farm land? Just where is that fund?

In view of the fact the resolution introduced by my colleague the member for Essex North (Mr. Ruston) last year called for the immediate allocation by the government of sufficient moneys to meet all the needs of Ontario farm tile drainage loans—

Mr. Speaker: Question, please.

Mr. Riddell: —and that the maximum loan assistance be increased to cover 75 per cent of the work, and this resolution was supported unanimously—here it comes, Mr. Speaker—why does the minister not act on this resolution? I would think you would be interested in eastern Ontario, Mr. Speaker.

If he is really concerned with making Ontario farms more productive, why does the minister not improve his drainage program so that it matches the drainage needs of eastern Ontario?

Hon. Mr. Timbrell: Since about 1980-81, under the eastern Ontario subsidiary agreement and the northern Ontario rural development agreement and now under AgriNorth programs, we have contributed to the improvement of in excess of 400,000 acres of farm land.

PLANT SHUTDOWNS

Mr. Mackenzie: Mr. Speaker, I have a question of the Minister of Labour. Is he aware of the inaccuracy in his response to my question yesterday about the closure of the Canron plant in Hamilton? To quote from Hansard, the minister said: "If the member would look at the record for the first eight months of this year, he will find there has been a decrease of about 30 per cent over last year in actual closures and workers affected."

The minister was correct in terms of the total number of jobs lost under reduced operations, as well as partial and total closures, but he was misleading in terms of the more serious issue of partial and total closures, where an alarming trend appears. In fact, closures are up in the first nine months of this year from 69 to 88 plants and from 5,500 workers to 6,300 workers, increases of 28 per cent and 14 per cent respectively. Thus, where the jobs are gone—not reduced operations but actual closures—we are in real trouble.

Mr. Speaker: One moment, please.

Mr. Mackenzie: I asked the minister at the beginning if he was aware, Mr. Speaker.

Mr. Speaker: Yes. I heard you say that. I thought I heard you say something and I am sure it was a mistake. You meant to say "mistaken," but you said "misleading."

Mr. Mackenzie: Mistaken.

Mr. Speaker: Thank you.

Hon. Mr. Ramsay: Mr. Speaker, there is no way I want to mislead this House or mislead the honourable member. I was referring to eight-month figures and I believe I heard him use nine-month figures. I was recalling the figures from memory from my statement in the estimates debate. If they are incorrect, I will be happy to correct them and table them accordingly in this Legislature.

Mr. Mackenzie: If the minister will read them again, and I am quoting from his own figures, he will see they were not accurate, given the increase of closures.

When we are supposed to be in a recovery period, we have a problem with closures not only in branch plants but also in our ability to source. The two most recent Hamilton closures are perfect examples: Canadian Porcelain, which is the only plant making large Hydro insulators in Canada; and Canron, which is the only plant making pulp and paper screening plates in Canada.

Mr. Speaker: Question, please.

Mr. Mackenzie: Is the minister now prepared to assure us of a plant closure committee with a wide mandate and an early reporting date?

Hon. Mr. Ramsay: The answer is no.

PETITIONS

ABORTION CLINICS

Mr. Sargent: Mr. Speaker, I wish to table a petition signed by about 1,000 members of my riding. It reads:

"We, the undersigned, as electors of the province of Ontario opposed to the opening of abortion clinics, hereby petition you, the Attorney General, to appeal forthwith and prior to December 8, 1984, the Morgentaler acquittal. We hold the gift of human life as sacred from the moment of conception."

ROMAN CATHOLIC SECONDARY SCHOOLS

Mr. Bradley: Mr. Speaker, in compliance with a request to me as a member of the

Legislative Assembly to present a petition to the House, I present the following petition:

"To the Honourable the Lieutenant Governor and Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in this province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and to be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for the people to appear and to be heard."

This petition is signed by a number of members of the Ontario Secondary School Headmasters' Council.

Mr. Allen: Mr. Speaker, I have a petition to the same effect as the one the member for St. Catharines (Mr. Bradley) has just read, with the same whereases. It concludes:

3:30 p.m.

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for the people to appear and be heard."

That, as the member indicated, comes from the Ontario Secondary School Headmasters' Council. I will send it to the Clerk for registration.

ORDERS OF THE DAY

COURTS OF JUSTICE AMENDMENT ACT

Hon. Mr. McMurtry moved second reading of Bill 145, An Act to amend the Courts of Justice Act.

Mr. Nixon: Mr. Speaker, as acting critic for legal affairs, I am delighted to be able to respond to the call for second reading of this bill. I was thinking the Attorney General (Mr. McMurtry) would have another another lengthy statement to present to the House, but I gather he considers the legislation routine in spite of the fact that it implements further the requirements of the federal Young Offenders Act.

We have had a very brief experience in the application of the bill. After my lengthy research into the matter, I am aware that it is still in phase 2, to be completed early in 1985, when the ambit of responsibility under the Young Offenders Act will proceed to age 18.

The designation of our provincial courts as having responsibilities under the Young Offenders Act is certainly welcome on this side. We are interested, however, that the government still seems to have difficulty in deciding whether or not there is some sort of division, particularly in the custodial care of young people aged 14 and 15 as opposed to those aged 16 and 17.

There is some indication in a further amendment we will be discussing later in this session that there is still this dichotomy in the mind of the government and that it is quite prepared to put the older youths, if I may use that combination of words, under the jurisdiction of the Ministry of Correctional Services rather than that of another ministry more suitably based for their assistance and custody. But as far as this bill is concerned, we are certainly supporting it in principle.

I am sure the Speaker, along with many other members of the House, has been reading with interest the accounts of at least some of the applications of the Young Offenders Implementation Act, which was passed by this Legislature just a few months ago, particularly the horrifying case in Orangeville, where the judge, applying the requirements of the bill, has decided the courts will be open to the press although information associated with the trial will be somewhat restricted.

Ontario, along with some other provinces, was relatively slow in responding to the initiative taken by the government of Canada in this regard, so we are very glad that with the enactment of this bill the provincial courts will be designated as the courts of jurisdiction under the Young Offenders Act requirement.

Mr. McClellan: Mr. Speaker, I do not intend to speak at length because we have already had a number of debates in the last session and again this session about the policy of the Ontario

government with respect to the implementation of the federal Young Offenders Act.

However, I still want to express my very deep concern to the Attorney General that in Bill 145 we are once again passing a bill that implements a two-tier system, one system for young offenders under the age of 16 and a second system for young offenders between the ages of 16 and 18.

When we concluded the clause-by-clause debate on Bill 77, An Act respecting the Protection and Well-being of Children and their Families, we passed the section dealing with the implementation of young offenders and the definition of "court." According to paragraph 3(1)11 of Bill 77, "court" means the provincial court (family division) or the unified family court." That will be the court for young offenders under the age of 16.

In the bill that is before us this afternoon, Bill 145, an explanatory note reads as follows: "The amendments provide for the continued designation of the provincial court (family division) and unified family court as youth courts for the purposes of the Young Offenders Act (Canada). The provincial court (criminal division) is designated as a youth court, effective the 1st day of April, 1985."

In other words, young offenders between the ages of 16 and 18 will not be tried, as I understand it, in the provincial court (family division) or the unified family court. They will be tried in the provincial court (criminal division).

I continue to believe it is a mistake for the government to implement the federal legislation on a two-tier basis. My concern, simply put, is that we are going to have one level of service, which I hope will be a first-class level of service, within the Ministry of Community and Social Services operating under the aegis of the provincial court (family Division) and the unified family court for young offenders under the age of 16, but young offenders between the ages of 16 and 18 will be treated as though they were adult offenders. They will be dealt with by the Ministry of Correctional Services as though they were adult offenders and will be dealt with in the provincial court (criminal division) as though they were adult offenders.

I fail to see that the government has respected the spirit of the federal Young Offenders Act, which has extended the age of young offenders to 18. Perhaps the Attorney General could respond to this final point as I conclude. I understand from discussions I had with the Minister of Community and Social Services (Mr. Drea) that this decision is not yet writ in stone and that there

is still some opportunity in the future, once the initial implementation has been accomplished, that the system for young offenders in this province may be unified.

As the Attorney General winds up the second reading debate, I would like to know whether that is a possibility. I very much hope it is. I understand some of the difficulties in implementation that have led to the decision to go with the two-tier system, but I hope that is not a permanent and irrevocable decision. I think we would be failing to capture the full spirit and the full set of opportunities under the federal legislation if we simply pretend we have not done anything different and treat people under 16 the way we have in the past while we treat people between 16 and 18 as though they were adult offenders.

I intend to oppose Bill 145. We have in the past indicated our real concern about the two-tier system and we will be making the same point this evening when we deal with Bill 149.

Hon. Mr. McMurtry: Mr. Speaker, with the greatest respect to the member for Bellwoods (Mr. McClellan), I have to disagree with his characterization of this amendment as creating a two-tier system. The young offenders legislation will apply equally to all young offenders, regardless of whether they are between the ages of 16 and 18 or under the age of 16.

I should say as well that all young offenders will be tried, not in a family court or a criminal court as so designated, but by judges who are sitting as youth court judges. The law will be equally applied in the youth court. From an administrative standpoint, it makes sense to us to designate both our provincial court criminal judges and our provincial court family judges as youth court judges.

3:40 p.m.

There is nothing particularly mysterious and certainly nothing sinister in that. In many parts of the province our provincial court judges sit both as family court judges and as criminal court judges. In other provinces it is very common to have judges who are designated as both criminal and family court judges. Surely there can be no question about the capacity of these judges, whether they are designated from the criminal court bench or the family court bench, to apply the spirit as well as the letter of the law in so far as the young offenders legislation is concerned.

I cannot predict what will happen to any young offenders who will be incarcerated. The division that has occurred between the ministries of Correctional Services and Community and Social

Services also recognizes the fact that youthful offenders should not be lumped together. Generally speaking, a 17-year-old is much more mature than a 13-year-old, and to lump them together in so far as custodial institutions are concerned would be most unwise.

I hope the member will accept the fact that all our judges, whether they are drawn from the criminal court or from the family court, will abide by the spirit as well as the letter of this legislation.

The Deputy Speaker: All those in favour of the motion for second reading of Bill 145 will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for third reading.

House in committee of the whole.

WORKERS' COMPENSATION AMENDMENT ACT (continued)

Resuming consideration of Bill 101, An Act to amend the Workers' Compensation Act.

On section 9:

Mr. Chairman: I wonder whether the committee can assist the chair. I am not certain; was the minister by chance going to start with comments of a responsive nature?

Mr. Mancini: Mr. Chairman, I was just getting ready to move another amendment. I believe we had just finished a lengthy debate on subsection 36(13), the matter—

Mr. Chairman: Is that the amendment to subsection 36(7), by any chance?

Mr. Mancini: Yes. We had just finished debate on subsection 36(13), and we had moved back to subsection 36(7).

Mr. Chairman: And we had only a couple of minutes, I believe. Was the minister about to make a comment on that point? No.

Mr. Lupusella: Mr. Chairman, if there is no comment on the part of the minister, I am ready to move another amendment, with your consent, that subsection 36—

Mr. Mancini: Mr. Chairman, on a point of order: We had agreed we would revert to the amendment I had informed the chair we would be making. I believe that amendment was in regard to—

Mr. Chairman: Subsection 36(7)? We had stacked subsection 36(5).

Mr. Mancini: Yes, it was subsection 36(7).

Mr. Chairman: Mr. Mancini moves that in subsection 36(7) of the act, as set out in section 9 of the bill, "\$1,500" be deleted and "\$2,000" be substituted therefor.

Mr. Mancini: Mr. Chairman, you may recall that before the hearings that took place this past fall we had some opportunity for debate in the House in the preceding spring. I had raised issue with this section as it appeared in the old act prior to this section being revised as it is now in subsection 36(7).

I was quite perturbed at the time at the way we handled funeral expenses for deceased workers. I was quite concerned about the stress, strain and agony the old act placed upon the family. That point was raised again during the committee hearings that concluded before the resumption of this session of the House.

I was very happy to see that the minister accepted my views on this matter and did establish a floor for funeral expenses, the floor being \$1,500, with the opportunity for a further sum to be paid by the Workers' Compensation Board as determined if the extra expenses were necessary.

We spent some time in committee discussing how this would work, the sensitivity of the whole subject and whether we were handling the matter properly. I think all members, including the minister and the members of the government, agreed they did not want a grieving family to be appealing to the WCB for a few hundred dollars and going through the process of appeals, objections and all the formal procedures the board works with.

I expressed some concern at that time that \$1,500 was not an adequate figure. I was assured again by officials of the board and by the minister that if these figures were not adequate, all we had to do was ask for more. I find the situation would be much better for all of us, and principally for the grieving family, if they did not have to ask for more and if very few families, if any, had to ask for more.

3:50 p.m.

I am substituting \$2,000 for \$1,500 in the hope that in these unfortunate circumstances a great number of people who might have been put in a situation where they would have had to ask for \$200 or \$300 or \$400 or \$500 more will now not have to. Not only is it an agonizing situation, but I can see in some circumstances where it could be very embarrassing also when they are burying a loved one to feel they have to go before the Workers' Compensation Board to get an extra

\$250 or \$300 to cover funeral expenses for their loved one. I can see that this could be a very demeaning experience. I am hoping my modest adjustment to this section will ensure that does not happen as often as I believe it would if the figure of \$1,500 now in the section were used.

I am not familiar with the costs of a funeral, but \$1,500 in no way seems to be applicable to and reasonable by today's standards. Things are very costly today. By making this amendment, I am trying to avert embarrassment, trying to keep people from feeling they are demeaned and trying to avert the whole system of appeals in such a touchy situation.

I have to be honest. I do not know whether \$2,000 is the right figure. I do not know whether \$2,000 would be adequate to cover the average, for lack of a better word, cost of a funeral today in Ontario. I am assuming costs would be different from one part of the province to another. I am hoping the minor amendment I am making here, adding \$500 to the amount allowed, will be helpful in some way in the circumstances I have described.

I understand there are regional differences, and we would try to work them out, but if the minister or his staff have figures that would indicate the cost of the average funeral in Ontario is greater than \$2,000, I would be most pleased to withdraw the amendment and accept the minister's figure. Failing that, I will stand with the amendment I have made.

Mr. Lupusella: Mr. Chairman, we do not have any objection to the figure of \$2,000 as described by the Liberal member, even though at the committee stage we moved another amendment that would have increased the amount to \$2,500. I do not want to be wrong, but this is as far as we went as a compromise position.

What the total amount for funeral costs should be is a sensitive issue that divides people from all sides. I think \$1,500 was perceived by the minister as the figure that would in some way incorporate the wide range of funeral costs across Ontario.

We have also raised the cultural issue of ethnic people who are faced with funeral costs. I am sure neither the minister nor the board ever pursued any study of how much ethnic people are paying for funeral expenses. I would like to tell the minister that the cost is quite high. I did my research among people who had to bear this cost; we are talking about \$4,000 or \$5,000 or even more. That surprises a lot of members, but because we understand the cultural makeup of this province and this country, it does not

surprise me or other members who understand what they are talking about. Ethnic people face this extra expense as a result of traditions that I do not think can be disputed at this point. Traditions and religious grounds are at the bottom of this situation and should be understood as to the way they are.

Having said that, we are faced with a situation where a lot of people, and I am making particular reference to ethnic people, are incurring an extra cost that is not incorporated either in the figure used by the minister or in the figure used by the honourable member.

The \$2,000 will not reflect the general, widespread situation I have just mentioned. I think the minister should be particularly flexible about that amount, even though there is now an extra dimension in subsection 36(7) that if "the body of a worker is transported for a considerable distance for burial or cremation, a further sum, as determined by the board, shall be paid for the necessary extra expenses so incurred."

The extra dimension included in the clause is a result of a sensitive approach by the minister in understanding what this situation is all about, in particular the fact that if a body has to be transported to a country in Europe or elsewhere, there is an extra expense that is at the discretion of the board to determine.

We have raised this issue many times. In 1974 and 1975, a group of amendments was introduced in this Legislature to amend the act. I think the total amount was in the range of \$600. Almost 10 years later, we are determining that \$1,500 is the right amount to be applied. I disagree with the minister. I hope we will take the opportunity of this friendly amendment from the Liberal Party to accept the figure of \$2,000, even though our figure was rejected during the committee stage. I hope the minister will use his sensitive and flexible mind to increase the amount, because it reflects the needs of the cultural makeup of this province.

Mr. Chairman: All those in favour of Mr. Mancini's amendment to subsection 36(7) will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Mr. Lupusella: Mr. Chairman, I have to withdraw my statement about the flexible and sensitive mind of the minister. I withdraw my remarks until the minister is ready to accept our amendment.

Mr. Laughren: Mr. Chairman, on a point of order: I knew the member was wrong when he said it in the first place.

4 p.m.

Mr. Chairman: Mr. Lupusella moves that subsection 36(15) of the act, as set out in section 9 of the bill, be amended by replacing in lines 4 and 8 the figure "90" by the figure "100."

Mr. Lupusella: Mr. Chairman, I really do not want to prolong the discussion. This was clearly spelled out in debate yesterday, in the lengthy discussion in the standing committee on resources development during the summer and even before the summer months when public hearings were called by the committee to determine the pros and cons of 100 per cent versus 90 per cent.

Several arguments were placed before the committee, and the committee itself really reached the point of rejecting the position that was taken in a very vigorous way by the New Democratic Party, in particular by my colleague the member for Nickel Belt (Mr. Laughren). His arguments were more or less the basis of a lengthy discussion, which even Professor Weiler touched upon in a few short paragraphs in his report. He did not see the reason 100 per cent should not be considered rather than 90 per cent. It appears from the few paragraphs that were in his report that even he was favouring a figure of 100 per cent instead of 90 per cent.

But at the time Professor Weiler wrote his report, and after we realized what the government was really trying to do in relation to certain concrete recommendations that he had made so clearly in his report, the government's white paper and then further amendments that were introduced by the government as a result of the government's white paper, we realized the government was not even supporting what Professor Weiler actually was supporting in his report.

The government and the Minister of Labour (Mr. Ramsay), of course, introduced some penalties in Bill 101 that would even reduce the total package of benefits to which injured workers are entitled or that they are supposed to receive under the new law: the Canada pension plan issue, the 90 per cent and the ceiling, which, instead of being 250 per cent of the average industrial wage in Ontario in 1981 for example, was chopped even further. So when Professor Weiler's report was acclaimed by the government when it was released to the public, we were of the opinion the government would implement in the law certain issues that were tackled by

Professor Weiler instead of reducing the effectiveness of his suggestions on the way in which the government should go.

The NDP tried during a different debate, and even now is trying to convince the minister, that with all the penalties against injured workers that are involved in Bill 101, the 100 per cent figure is a fair figure that should be implemented in the new act. Of course, the 100 per cent figure will also give extra elasticity to the total package of benefits that injured workers are supposed to receive under the new act and the old act.

The reason we pursued a strong discussion on that issue is that the 100 per cent figure we are suggesting has some serious ramifications, for example, on the assessment of injured workers' pensions when they are called by the board to determine the amount of money they are to receive. Even though we are talking about a difference of 10 per cent from 90 per cent to 100 per cent, that difference on the amount of money injured workers are supposed to receive on their pensions means a lot to them and we do not think the government has the right to penalize injured workers across Ontario.

When we talk about injuries, we may be talking about injuries that do not last more than three, four or six months, or perhaps six weeks, so we are talking more or less about accidents that will not cause permanent disability to injured workers. If we consider the other spectrum before us, that is workers who are seriously and permanently injured, then the 100 per cent figure makes a lot of sense to us. Even though we are dealing with a new law, Bill 101, the meat chart will be there. Eventually, the pensions will be assessed with the same balancing figures that have been used for centuries in Ontario.

Professor Weiler did not really oppose the 100 per cent figure. He actually gave a hint to the government and the minister that 100 per cent was the right figure to choose, instead of 90 per cent of net. The 100 per cent figure has also been supported by the trade union movement and by all organizations of injured workers appearing before the committee during the course of public hearings.

If I remember correctly, the minister told us once that the concerns of injured workers would be taken into consideration before the public hearings started in that committee. Perhaps some issues have been taken into consideration, but I do not think the minister paid much attention to the issues about which injured workers and the trade union movement in Ontario really felt strongly.

We are, therefore, urging the minister to be flexible enough to accept our suggestion that 100 per cent of injured workers' incomes should be contemplated and accepted, because at least the 100 per cent figure will not penalize injured workers in Ontario.

Mr. Laughren: Mr. Chairman, I regret I was not here for the last couple of sessions when this bill was debated. I am sorry I missed seeing what the minister did on section 8 of the bill, which repeals sections 21 and 22 of the existing act having to do with the right of employers to send their workers to the doctor of the employer's choice.

4:10 p.m.

I can recall during the debates in the committee, at one point the minister implied he would not be making many changes. I said I thought the employers' council had got through to him. He denied that vehemently. He said: "No, that is not true. My meetings with the employers' council were much more difficult than my meetings with the injured workers' groups in the province." I recall that very clearly.

Now I know I was wrong. It was not the employers' council that was climbing all over the minister's frame, it was the Council of Ontario Contractors Associations that was doing it to him, and I suppose that is the reason he backed down. That really is a sad commentary on what has happened to that section of the bill, because there is simply no justification for that change, none whatever. I regret the minister was not able to stand in his place and say that honestly.

Hon. Mr. Ramsay: On a point of order, Mr. Chairman: I regret that I have to rise again to try to clarify the record on this matter. The member does not have to accept what I am going to say, but I have given him the opportunity to say whatever he wanted to and I hope he will accord me the same privilege.

COCA came to me—

Mr. Laughren: You are repeating what you said the other day.

Hon. Mr. Ramsay: That is correct, for good purpose, because the remarks I made the other day have been misconstrued. That is why I am repeating myself, to have them on the record. Let me tell the honourable member exactly what happened. If he will provide me with the opportunity to do so, I will do it as briefly as possible.

It is correct that representatives of the construction association came to see me about this matter. As I said in the House the other day, I told

them I was not about to change my mind on that section. If they wanted to visit the opposition parties and get their concurrence, then I would look at it again.

They took me up on that suggestion and did visit. I understand the Liberal caucus agreed the section could come back and the New Democratic Party indicated it did not want the section to come back. As far as I was concerned that was it; I had fulfilled my obligation, and that was it.

However, a good two weeks after that, and I can substantiate the date—it was at least two weeks after that—the legal department in my ministry, in perusing several factors of the bill, indicated there could well be a problem under the charter.

I indicated we should get a second opinion if they thought that, because I did not want to proceed strictly on the basis of a legal opinion within our own ministry. We sought a second opinion from the office of the Attorney General. Those two opinions from my ministry's legal personnel and from the Attorney General's office resulted in the changes in the amendment that I placed in this House on Friday.

Mr. Laughren: I find what the minister just said unbelievable because I do not believe the members of the official opposition would have done that. That was not the position they took in the committee.

Is the minister sure of his facts? Is he sure the official opposition agreed to that change COCA has requested—demanded even? I assume the minister knows what he is talking about, but I sure would like some clarification from the official opposition because I was led to believe that was not its position during the committee debate.

I would find it reprehensible if the minister is not laying on us the facts as they really are. That would bother me a great deal because it is not fair to the official opposition. I think it is not like the opposition to change its mind just because it is lobbied by the construction industry. I am not very happy with the minister's explanation because it puts the official opposition in an impossible situation. I do not think it is appropriate.

The minister has to stand by his decisions without casting these kinds of aspersions on the official opposition. He was the one who had the decision to make. It was not the decision of the official opposition but the decision to the minister to cave in on this debate; I have the records to show that.

If the official opposition caved in because of lobbying from the construction industry, it would stand up and admit it. They would not sit back and let the minister make the arguments for them. That is the last thing the official opposition in this chamber would do and I do not expect it to do that. Anyway, I do appreciate the minister's attempt to explain away his responsibilities and pass them on to the official opposition.

We were debating section 9—

Mr. Chairman: Mr. Lupusella's amendment to subsection 36(15).

Mr. Laughren: Mr. Lupusella's amendment concerning the survivor benefits. I have been thinking about the whole question of survivor benefits. I read the *Globe and Mail* of Saturday, December 1, and on the editorial page a columnist called Jeffrey Simpson, who writes regularly for the *Globe* in Ottawa, had a column entitled "Ungenerous Treatment." It deals with the death of Clark Todd, who was a CTV correspondent. As most members will recall, he was killed while reporting on the job in Lebanon.

Mr. Simpson expresses dismay at the ungenerous treatment of Mr. Clark Todd's widow by the CTV network. He says:

"But the network carried only \$100,000 insurance. It paid Anne Todd only 15 months' salary. It also promoted a trust fund for Clark's children, but refused to make a contribution. The result is that Clark's widow will receive from these three sources about \$185,000. (The American network ABC, which shared Clark's material, contributed \$89,000.)"

Mr. Simpson goes on to say:

"If Clark had worked for NBC, after all, his widow would have received about \$440,000. The BBC would have paid about \$280,000 plus a pension and annuity. CBC has a \$250,000 insurance policy plus a pension. The *Globe* and *Mails*' policy is \$250,000 in a war zone. British papers pay either seven or 10 times salary, which in Clark's case would have been \$400,000 to \$600,000."

Mr. Simpson concludes by saying: "CTV is owned by its highly profitable constituent stations, which in turn are controlled by some of Canada's wealthiest businessmen. The network should do better by the survivors of one of its finest employees."

That column struck a responsive chord in me. If we transfer the subject here, Mr. Clark Todd, and put in his place the other people who die on the job in this province, whether it is in the mining industry, the construction industry or

whatever, those people go to work where there is a danger on the job. We all know that.

If we look at the statistics of people in the mining industry or construction industry, and I was just reviewing the industry figures today, the death rate on the job for miners is much higher than, for example, that of policemen on the job. The mining industry is a dangerous occupation and construction is a dangerous occupation.

When I see these kinds of numbers being applied to journalists because they work in a war zone, I say to myself: "Wait a minute. There are all sorts of dangerous occupations out there. What is good enough for the journalism profession is surely not too good for people in the mining industry and the construction industry."

4:20 p.m.

That is why every time we have a debate on workers' compensation in this assembly, I am moved either by statements of the minister or by amendments that are being made to comment on how, of all the bills that come before the assembly, the one that is without doubt the most biased against the working-class people of this province is the Workers' Compensation Act. Beyond a doubt, the Workers' Compensation Act is the worst piece of legislation for working people to come before this assembly.

When I see the minister stand in his place and make excuses as to why we cannot have decent survivor benefits, I am reminded of that fact all over again. The minister does not have to stand in his place and blame the official opposition. He does not have to stand in his place and make apologies for the lobbies that have come before both him and the Conservative caucus. If I recall correctly, there was a lobby by industry before the Conservative caucus on this very bill. They said: "Hold up, hold back; do not enrich it so much.

Mr. Treleaven: I think you are wrong.

Mr. Laughren: If I am wrong, I am sure the minister or somebody else will correct me. If I am right, the members should stay seated. If I am wrong, they should rise in their places and correct me. They have a choice. I rest my case.

Mr. Chairman: People standing up and sitting down is not part of our procedure. They can indicate it when it is their turn to debate.

Mr. Laughren: Mr. Chairman, you are right. It is possible it was not the employers' council and not the contractors who appeared before the Conservative caucus but the official opposition. Perhaps that is who appeared before the Conser-

vative caucus and said, "Hold the line on compensation costs." Who knows?

Mr. Treleaven: Wrong again.

Mr. Laughren: If I am wrong about that, the member should stand in his place and tell me. I rest my case again. I really wonder what is going on behind the scenes with this bill.

What I have been trying to say as briefly as I can is that the members opposite and to my right should support the amendment of my colleague the member for Dovercourt (Mr. Lupusella). It is not an unreasonable amendment. It is not an amendment that should make the employers of Ontario quake in their boots and immediately telephone their accountants to see how it will affect the bottom line. It is not that kind of amendment at all.

I ask the members opposite, and particularly the minister, to accept this very reasonable amendment.

Hon. Mr. Ramsay: I want to say how pleasant it is to have the member for Nickel Belt (Mr. Laughren) back again. We missed his ready wit and his astute comments and observations on the bill on Friday and Monday, even though the member for Bellwoods (Mr. McClellan) and the member for Dovercourt did an admirable job. The presence of the member for Nickel Belt today really makes the debate.

Mr. Laughren: You know how to hurt a guy.

Mr. Chairman: All those in favour of Mr. Lupusella's amendment to subsection 36(15) of the act under section 9 of the bill will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Mr. Mancini: Before we move on, I have an amendment to section 9 of the bill as set out in subsection 36(15) of the act. In previous sections of the bill which dealt with a formula that would give surviving spouses and families a lump sum payment in the range of \$20,000 to \$60,000, I moved to have that formula struck out. I moved to substitute a lump sum payment of \$50,000 regardless of age or any formula.

To ensure the continuity of my amendments, I am moving that \$60,000 be struck out and in place thereof to have \$50,000. I have a copy of this. It is a straight substitution of \$60,000 by \$50,000. We must understand that the \$60,000 is a maximum that not everyone would get and many of these people would be getting far less than \$60,000. Some would get \$40,000 and some would get \$30,000.

Mr. Chairman: Mr. Mancini moves that subsection 36(15) of the act, as set out in section 9 of the bill, be amended by deleting "\$60,000" and substituting "\$50,000" therefor.

Mr. Lupusella: Mr. Chairman, I would like to make a clear statement about where we stand on this issue. At the very beginning, with the greatest respect to the honourable member, the increase from \$20,000 to \$50,000 sounded like an improvement to the system. Under subsection 36(15), we are now reducing the payment from \$60,000 to \$50,000. I really do not understand the criteria that have been used. With the suggested amendment of the member we are now penalizing people who, instead of receiving the maximum of \$60,000, will now receive only \$50,000.

I got the impression at the very beginning, as a result of previous amendments, that his amendment would improve the total package of benefits to surviving spouses. But now realizing in a very concrete and clear way that it is cutting benefits to surviving spouses, I would like to state we are going to oppose the amendment suggested by the member.

Mr. Mancini: Mr. Chairman, in regard to those comments, and just to make sure that we are clear about this, you will recall the debate that took place when we discussed subsection 36(1). You will recall that the government's formula worked in such a way whereby a maximum of \$60,000 as a lump sum could be paid or a minimum of \$20,000 as a lump sum could be paid in the circumstances described by the legislation.

You will recall there is a formula in place that figures out what amount of money an individual would be receiving. You will recall that an amendment was made whereby the formula was changed somewhat. While criticizing the formula, I have concluded that the formula is not the way to go. We should not, in my view, give some people \$45,000 or \$48,000 or \$28,000 and others \$38,000 or \$58,000.

It would be very difficult to explain to these individuals why they received less than someone else when the reason for receiving the payment was for exactly the same type of injury. The injury caused death. We took into consideration the fact that someone was going to have to explain to an individual or family that the death which occurred in the family was being compensated by a lump sum of \$40,000 or some other figure while other people were being compensated by a greater amount. Therefore, I decided the formula is probably not the best way to go and

I have substituted \$50,000 in all of the amendments.

4:30 p.m.

To say holus-bolus we are reducing people's benefits is not exactly the way it is. I could use stronger words, Mr. Chairman, but you would probably ask me to withdraw those remarks and I will not put us in that position.

The \$50,000 lump-sum payment is, in my view, a better way to go. Secondly, no matter how you cut it, no matter how you work your figures, \$50,000 is better than \$20,000, better than \$25,000, better than \$30,000, better than \$35,000, better than \$40,000, better than \$45,000 and better than \$49,000.

Mr. Laughren: It is not as good as \$60,000.

Mr. Mancini: We could have gone to \$60,000.

I could accept the logic of an amendment from the member for Dovercourt if he said: "Let us go from \$50,000 to \$60,000 because we believe everyone should have \$60,000. Let us forget about the formula that we have been criticizing but trying to use."

That is what I have been unable to accept. We are critical of the formula. Instead of saying to the minister, "We are not interested in your formula; we do not want any part of your formula," we up the ante and go ahead and use it. If the formula is no good, let us throw it out and come up with what we consider to be a reasonable figure, which I deem to be \$50,000, and that is how the amendment was placed.

There have been other amendments to keep the bill in conformity with the first amendment, and that is why this particular amendment has been made. I hope this clarifies the situation somewhat because we cannot leave on the record the impression that the formula, as amended, would in all cases grant more money than this particular amendment and the amendments I made before.

Mr. Lupusella: Mr. Chairman, I want to make clear that the figure of \$60,000 will be acceptable if it is given on a flat rate to everybody. Then I am sure everyone will get the benefit of the implementation of that amount.

We are faced with a formula that was widely debated by the member's predecessors, the critics in the Liberal Party, when the standing committee on resources development was reviewing the contents of Bill 101 clause by clause. If he is going to talk to his own colleagues, we on this side are talking about a large and generous amount of money that was supposed to be given to surviving spouses. There was no doubt in

members' minds there was a need to improve the system for the people who are suffering the most as a result of fatal accidents.

We were clearly convinced of that. The government recognized the need to improve the system. Then the government came to the point where the formula per se was already really generous and it could not give more because the system could not afford the cost. The Liberal members sitting on the committee were the ones who really rejected the principle of improving the benefits of surviving spouses when we were talking about further improvements in the system based on a more generous and more flexible formula.

The employers across the province did not reject the improvements per se; and even though eventually we were not disputing the figure provided by the formula, I think the member's own colleagues were the ones fighting it, because the costs would be too much in relation to the total money that would be given to surviving spouses covered under this particular section.

The member does not like the formula used in the bill. Personally, we do not approve of the approach ourselves. We are talking about the pension they were supposed to receive. We are talking about a lump sum and also about an extra dimension not incorporated within the contents of this particular section. It relates to the point of pain and suffering that Professor Weiler mentioned in his report.

The member should not say we are not ready to approve a better and different figure. In our dissent report we talked about an extra dimension to the situation, the dimension that pain and suffering were supposed to be considered at the time an accident had taken place in the province. In this specific case, the surviving spouse's pain and suffering is something that can be easily recognized because somebody passed away as a result of an industrial accident.

I want to clarify the record and place the figures before us in a very straightforward way because I do not want to leave the impression that the amount of money suggested by the Liberal member is extremely generous to the people who are supposed to receive the benefit when he has been disputing the increase from \$20,000 to \$40,000 as a result of the amendment we placed before this House yesterday.

In addition to the pension and the increase from \$20,000 to \$40,000, plus the \$1,000 extra based in relation to age, I think our formula will go above the amount of money suggested by the Liberal member. Therefore, to diffuse the issue

that we are against further improvements to the system, I wanted to rise again and clarify the record.

There was unwillingness on the part of the Liberal Party and the government to improve and give more generous pensions and benefits to surviving spouses because the system could not afford to pay the total costs and because employers would go bankrupt if such a clause were to be improved any further.

Mr. Wrye: Mr. Chairman, I found the last remarks of my friend, the member for Dovercourt, a fascinating experience, because it almost left me with the impression that he and I had sat on different committees when this matter of the Weiler report was discussed.

I want to remind the member for Dovercourt, Mr. Chairman, of something and I want to refresh your memory, although I know you will remember where he will not. The member for Dovercourt and the member for Nickel Belt both stood in their places and voted for the Liberal amendment to what was at that point proposal 7 of the Weiler report. My friends opposite supported the Liberal proposal placed before the standing committee on resources development. That was some time ago in the days when I sat on that committee. The member for Dovercourt will remember that.

I find all of this discussion from the member for Dovercourt to be most strange. I have not followed this debate as closely as I might have wanted to because of other activities I have been involved in; however, I remember from my reading of the bill, and it was some time ago, that this section with some flaws is probably one of the more progressive elements of a bill that I do not find terribly progressive for the most part.

What my colleague the member for Essex South (Mr. Mancini), has done, rather than have a floating lump sum compensation rate, is he has proposed a fixed rate which would not float with age. As I understand from the member for Dovercourt, he has proposed to continue the floating rate but at a higher level than that proposed by the government legislation. In either case we accomplish approximately the same end. He may wish to go to a higher level than my colleague proposes, but overall the total amount paid out would be about the same.

4:40 p.m.

I hope my friend the member for Dovercourt will understand that and perhaps review his position and support our amendment. As my colleague points out, this amendment to subsection 36(15) is simply consistent with positions he

put earlier in this debate. I hope the House will find it acceptable.

The Deputy Chairman: We have an amendment before us that has been moved by Mr. Mancini; it is to subsection 36(15).

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Mr. Mancini: Stack the vote.

The Deputy Chairman: No. You have to have five members stand, and they did not stand.

Mr. Mancini: Mr. Chairman, we had made an all-party agreement that we would stack all these votes.

The Deputy Chairman: The member for Essex South knows you have to have five people stand in order to have a vote stacked. That is how it works.

Section 10 agreed to.

On section 11:

Mr. Lupusella: Mr. Chairman, I move that section 11 of the bill be amended by deleting in the proposed subsection 40(1) of the act the words "90 per cent of" and by deleting in the proposed clause 40(2)(a) the words—

The Deputy Chairman: I suggest we do them within the section, subsection by subsection. That will give plenty of opportunity for debate.

Mr. Lupusella moves that subsection 40(1) of the act, as set out in section 11 of the bill, be amended by deleting the words "90 per cent of."

Mr. Mancini: Mr. Chairman, are we going to start at section 40, or are we going to leap to section 41?

The Deputy Chairman: No. We are at section 11.

Mr. Mancini: Right; section 40.

Mr. Laughren: Subsection 40(1).

The Deputy Chairman: Subsection 40(1).

Mr. Mancini: Mr. Chairman, I have an amendment to that section.

The Deputy Chairman: Which section are you going to be bringing your amendment to? I have already recognized one amendment on the floor, which is to subsection 1.

Mr. Lupusella: We are quite flexible, Mr. Chairman—

The Deputy Chairman: I appreciate that so much. We will deal with the amendment on the floor—

Mr. Breaugh: If the member for Essex South can find his place in the bill.

The Deputy Chairman: Where is your amendment going to be coming in, member for Essex South, so I can be sure to recognize you?

Mr. Mancini: I am sorry, Mr. Chairman. We are going to create a new subsection 4.

The Deputy Chairman: Fine. You can do that after the first three subsections have been dealt with. It is confusing, and I recognize it is not easy with all the changes we are making.

Mr. Lupusella: No, it is not easy, Mr. Chairman. We understand the situation.

I have moved my amendment. We want to delete the words "90 per cent of" in the proposed subsection 40(1). As you will know from the previous discussion, our proposed deletion is in line with the position we have been taking from the very beginning, which is that we favour 100 per cent rather than 90 per cent.

In the interest of being brief, I will not extend the debate. I hope this amendment will be supported.

The Deputy Chairman: Is the member for Windsor-Sandwich standing to speak?

Mr. Wrye: No.

Mr. Breaugh: The member for Nickel Belt is standing.

The Deputy Chairman: I now recognize the member for Nickel Belt. I did not see him standing up, he is so tall.

Mr. Laughren: Mr. Chairman, I am a little perplexed about subsection 40(1), and perhaps the minister can give me some guidance on what is really meant when it talks about the "net average earnings before the injury so long as temporary total disability continues."

What I do not understand is whether it is clear in this section that the earnings before the injury means the normal period before the injury, such as four weeks, or whether this could also take into consideration the whole question of unemployment insurance earnings, for example.

I ask the minister to explain, and I believe this is the appropriate section to do this, what happens if a worker has a claim, goes back to work, then gets laid off, is on unemployment insurance and in the middle of the unemployment insurance claim, there is a problem with that worker's compensable injury, whether it involves his back, leg or whatever.

What happens to the computation of that worker's earnings at that point in view of the fact that immediately prior, for four weeks perhaps—it could be six months; it could even be a

year—that worker had been at work and was on unemployment insurance during that time? What happens to the computation of that worker's earnings, whether it is 90 per cent as the bill currently says or whether it is 100 per cent as proposed by my colleague the member for Dovercourt in one of his typically progressive amendments, which he is forever putting before this chamber?

I will be interested in knowing from the minister exactly what that means. We have had some problems in the Sudbury area in view of the fact there have been so many layoffs. Also, there is the whole question of seasonal workers, who might have worked for a only couple of weeks, for whom it also causes a problem. I will be very interested in knowing from the minister just what that means and how he proposes to deal with it.

Mr. Di Santo: Mr. Chairman, I wish to concur with the member for Nickel Belt, especially under this section, because the 90 per cent compensation based on the worker's net average earnings before the accident is recurrent in this act, whether we are talking about widows' and survivors' pensions or whether we are talking about injured workers themselves.

In Professor Weiler's report and in submissions from various employers' groups, this 90 per cent was justified by the rationale that workers need an incentive to go back to work; otherwise they become too complacent if they get the same income as they received before the accident.

Putting aside other instances such as widows, survivors and the orphans, in section 40 we are actually talking of workers who are on temporary partial disability, which means immediately after an accident. If the reason is what was proposed by Professor Weiler and if it is accepted by the government that the worker should have an incentive to go back to work, this becomes a contradiction in terms, because a worker at that stage will have no possibility whatsoever to go back to work.

4:50 p.m.

Apart from the other consideration, there are workers who, irrespective of their intentions, irrespective of whether they want to go back to work or not, will be penalized in respect of the previous system. With this system, all the workers who make more than \$20,000 a year will receive less money than they received under the previous act.

Since we are dealing with workers who are coming out of an accident situation and who have no possibility of returning to work, I ask the

minister whether in this case he will accept the amendment moved by the member for Dovercourt, which makes sense—it is common sense—and give to the workers only what they are entitled and what they would have received had they not had an accident.

Mr. Mancini: Mr. Chairman, I have just a couple of comments on this discussion. The Liberal minority report, as members may recall, suggested the 90 per cent figure should be active for approximately 90 days, after which the 100 per cent figure would be used. We made that proposal to the minister and we thought it was a very reasonable proposal. We gave all the explanations during the committee hearings as to why 90 per cent was appropriate for the first three months and why it was appropriate to go up to 100 per cent after that time had passed. Unfortunately, the minister either did not agree with our suggestion or could not agree because of other factors.

We are now discussing a motion that would start the benefits immediately at the 100 per cent level. I want to have it on the record that we are going to support the amendment, because if we do not then we will not get the benefits about which we talked on behalf of the workers after that time of 90 days has passed. We are not interested in penalizing the injured workers who have been off for that period because some of the others may be helped prior to the number of days that had been suggested in the Liberal minority report.

The minister had a reasonable alternative. He could have accepted it. He chose not to. We believe the motion of the New Democratic Party will cover our concerns and therefore we are going to accept it.

Mr. Wrye: Mr. Chairman, I want to speak briefly on what is, for injured workers, a very crucial aspect of this bill.

I want to start out by reminding the House that the board's own actuaries have determined that 90 per cent of net works out to less—not more—than 75 per cent of gross. That is the reality. So what the government would have us do is to pay on total temporary benefits, albeit under the guise of more equity—a concept that I accept and my colleagues accept—less money than now is being paid. That is the reality. That is what the board's own actuaries tell us.

As I remember it, and it exists to this day, there were three reasons why Professor Weiler proposed this 10 per cent penalty on injured workers. The first was that injured workers would need this extra 10 per cent to return to the

job. I reject that reason out of hand. The board has plenty of power within its own ambit, and so do the employers of this province, to ensure that working men and women who have suffered an injury on the job will return to work as soon as they are healthy.

The second and third reasons were the reasons that troubled my colleagues on the committee and led us to propose the very reasonable alternative this minister had available to him but again rejected. That alternative was that there would be a net saving, to some workers at least, because for a period of time they would not have to attend on the job. One can think of a worker in this community who might work in the downtown area and who, for a period of a few days, would not have to pay the costs of going to and from work by subway. That is clearly a saving.

We attempted to balance that with the cost of injury-related expenses for more severely injured workers. We are talking about the worker with a back injury who is off for a period of time and finds he has to have someone cut his lawn, shovel his driveway and get him to and from the doctor. That is when potential savings, as minimal as they are, would be outweighed by new expenses.

Neatly dovetailed with that was the fact that tax experts showed us 90 per cent of net on the short term might at the end of the tax year turn out to be 100 per cent of the net take-home pay in real terms because it is nontaxable. There would be no loss to the injured worker on the tax end of it. Consequently, the feeling that 100 per cent would be somewhat too generous began to disappear over time.

What we proposed in committee, and what we had hoped the minister would bring in, was a very reasonable and moderate middle ground, 90 per cent of net for 90 days and 100 per cent of net thereafter, capturing that seven or eight per cent of workers who do not return to the job. That figure may startle some members of the Legislature who have injured workers coming into their offices, the vast majority of whom have been off for more than 90 days, but fewer than one in 12 are actually off the job for more than 90 days.

Our amendment attempted to protect those workers and their money. Basically, the 75 per cent of gross as compared with the 90 per cent of net, going to 100 per cent after 90 days, costed out at about the same net cost.

I am curious why the Minister of Labour rejected that idea. I am curious why the minister rejected a very moderate and mild reform and brought in 90 per cent of net, which he claims will bring equity to the system. If he wants to talk

about equity, he should not talk about equity by going from gross to net; he should talk about equity for workers all the way down the line. I will be very interested to hear why we have not brought in that additional form of equity.

It might have added a little bit to the bureaucracy of the Workers' Compensation Board, and I would be the last to suggest that it needs more bureaucracy, but surely the board's computers can spit out a new figure after 90 days for that seven or eight per cent of injured workers, who in any given year total about 10,000. Surely something could be programmed into the computer to click in after 90 days and move to 100 per cent of net.

I would like to hear the minister explain why we have not gone to the 90-100 system. Failing that, I can only agree with my colleague the member for Essex South; I will admit quite openly that 100 per cent of net, based on a short-term injury, may actually be overcompensation in the short term, but I am more worried about the real loss to injured workers over the long term.

I am not worried about the injured worker who is off the job for a week and who may lose \$5 of what he would have made if he had been on the job. I am more concerned, as this Legislature should be, about the injured worker who has been off the job for six months and who looks forward to another six months with the attendant continuing loss under this 90 per cent of net scheme.

5 p.m.

Mr. Laughren: Mr. Chairman, I support what my colleague the member for Dovercourt is trying to do, but I would like to make a brief comment about what the member for Windsor-Sandwich (Mr. Wrye) has said. I think his proposal, and I recall it very well in committee, was imaginative and very good. We did support it in the committee when we could not get the 100 per cent. I think it should erase some of the problems the minister has about overcompensation.

After someone has been off for three months—I believe that was the member's amendment—that person is off completely at the direction of his or her doctor. The worker does not make the determination to stay off longer or to go back to work. That is determined by the medical evidence. Those of us who spend a lot of our time on compensation problems know that very well. I thought that amendment answered the problems of the minister and the problems of the industry as well. For those reasons, I thought it was a good amendment.

Before I sit down, I hope the minister got some information on the question I asked at the beginning.

My other point is that when we move to 90 per cent of net away from 75 per cent of gross, I think it needs to be said we really have some workers who will be better off with this change and some workers who will be worse off. The ones at the lower level of income will be better off and the ones at the higher level of income will be worse off. When we debated this in committee, the government back-benchers especially, not so much the minister, asked us, "Why are you socialists not supporting this and having the rich pay for the support of the poor?"

That is what they said. We should not lay that to rest immediately, because what this section does is ask one group of injured workers to subsidize another group of injured workers. I am all for equity out there in society, but within a disadvantaged group one does not ask some to subsidize others. That makes no sense at all. A fair section does not pick on some injured workers to subsidize other injured workers. That is a lot of nonsense. I hope the minister will not attempt to justify it by saying, "It is better for some workers." Sure, it is better for some workers at the expense of other workers, but that is unacceptable to us.

The members must understand that my party and I disagree fundamentally with the minister. We do not believe that people injured on the job should be asked to pay any financial penalty as a result of the injury. The government members do and they live quite happily with the fact that injured workers not only should pay the pain and suffering aspect of their injury, but also should have to pay a financial penalty.

That is something we will always find repugnant but, of course, we are such strong believers in the work ethic I understand why we feel like that. I am sure the government members understand that as well. They just do not have our commitment to the work ethic and, therefore, they are willing to penalize workers who get hurt on the job because they are living out that work ethic by going to work every day under sometimes dangerous conditions.

I simply remind the minister that he is not being as generous as he sometimes lets on when he talks about the 90 per cent versus the 75 per cent. I look forward to his explanation on how the latest available earnings will be arrived at.

Hon. Mr. Ramsay: Mr. Chairman, I was asked a direct question by the member for Nickel Belt. My response is that subsection 43(7) covers

the situation of an unemployed worker who experiences a recurrence of a disability. Under this section, as amended, earnings at the most recent date of employment are the basis of benefits.

The Deputy Chairman: Is the member for Etobicoke (Mr. Philip) standing to speak to this?

Mr. Philip: No; I am sorry.

Mr. Lupusella: I do not have any objection to criticizing the content of what the minister stated. Even though something is covered under subsection 43(7), I think one thing that must be clear is there is a process which would be applied so that the average of different employment earnings will be calculated in case an injured worker goes back to work.

I think we spelled out different incidents of people who, after being temporarily totally disabled for a certain time, were unable to go back to their original work and were forced to get a different type of employment at a lower rate. If the worker is injured again and gets full compensation, the board will calculate the average earnings of the different employments the injured worker went through. Am I correct?

Mr. McClellan: You will have to repeat it. He was not paying attention.

Hon. Mr. Ramsay: I apologize to the honourable member. I was—

Mr. Lupusella: Did the minister say that was the case or was he not following the case?

It is a case where an injured worker has been under the Workers' Compensation Board on a temporary total basis and received a lump sum payment and eventually a pension and so on. He could not go back to his original work where he would make the same amount of money. He has to go to a different employment situation where the earnings rates are completely different from the original accident situation.

Let us think for a moment about the injured worker facing a new injury so that he has to get full compensation for another period. It is my understanding that the process which is going to be in place is the same as the one that is in place now. The board will calculate the average earnings based on the different employment the injured worker went through, even though he was unable to earn the same amount of money as in the original accident situation.

I think that is the case, unless the minister says otherwise.

Hon. Mr. Ramsay: My understanding is that is the case.

Mr. Lupusella: That is the case.

I think the concern raised by my colleague the member for Nickel Belt is that injured workers will be penalized in relation even to the new formula of 90 per cent of net, because they are unable to earn the same amount of money as in the employment where they were originally injured. There is another penalty. If they are forced to get a different type of employment where the employers pay differently from the employment where the original accident occurred, there is a penalty involved.

5:10 p.m.

I think the concern raised by my colleague the member for Nickel Belt is not really covered under subsection 43(7) because there is an extra penalty imposed on injured workers who are unable to go back to the same or previous employment where they were injured.

With the greatest respect, my colleague raised an important point. The minister made the statement that my colleague's concern was covered under subsection 43(7). I think the minister is wrong. His concern is not covered under subsection 43(7) because injured workers will be penalized. I would like to have an explanation. My colleague is not pleased with the minister's response.

The Deputy Chairman: The member for Nickel Belt has the floor.

Mr. Laughren: I understand what subsection 43(7) does vis-à-vis how one computes the earnings; however, I am not certain about the whole question of someone in a high-paying job and I think this is what is bothering my colleague the member for Dovercourt.

A worker could be earning \$35,000 or \$40,000 a year on construction or bonus mining. If that person is on unemployment insurance, what happens when a claim recurs? If the old injury becomes reactivated, for whatever reason, how is the compensation computed? Surely the minister would not agree that the person's earnings should be based on his unemployment insurance benefits, or on some other kind of work not related to the work he was doing at the time of the injury.

This is what is bothering us and why we are not happy to let the minister get away with his rather general statement that subsection 43(7) looks after the problem. Subsection 43(7) does not look after the problem. When one lives in a community where there is a great deal of unemployment, there are a lot of these kinds of problems. They are not resolved by a reference to subsec-

tion 43(7). It simply does not deal with the problem.

We are asking the minister to change this section so it would be clear that if there is a recurrence, even though the person may not be working or may be working at a job that pays a lower rate, the rate at which compensation is computed would be based on the higher level, if the original accident occurred when the worker was earning that higher income.

This is the kind of problem we are faced with and the kind of answers we are seeking.

Hon. Mr. Ramsay: In my interpretation of the last part of the question of the member for Nickel Belt, my answer would be yes; the worker would go back to the rate he is suggesting it should be at. This is what I am saying.

Mr. Laughren: The only reason I am rising again is because I would like the minister to be quite definitive about that. I am sure it will be very important in future rulings.

Hon. Mr. Ramsay: If the member will stand this down for a few moments, I will prepare a definitive statement that I hope will cover it to the member's satisfaction.

Mr. Lupusella: I will quote from subsection 43(7) in the present act. "The compensation payable for such temporary disability shall be paid on either the average earnings at the date of the accident or the average earnings at the date of the most recent employment of the worker calculated in accordance with this act, whichever is the greater."

My dilemma in interpreting this subsection is the following: let us suppose a person has been working on a construction site at \$40,000 a year and, as a result of an accident which caused a permanent disability, has undertaken a different type of job in the range of about \$20,000 a year. Let us say he is faced with either a recurrence or another accident, but has been working for \$20,000 a year for three years' time. Under this subsection, the calculation of the temporary total disability benefits will be based on the earnings at the date of the most recent employment of the worker. Unless the minister is going to qualify the situation the interpretation can go in both directions.

Mr. Mancini: Mr. Chairman, I agree entirely with what has been said by my colleagues as far as what subsection 43(7) means. It very clearly means that if you suffer a second injury that is completely related to the first injury, and if you had to take a different job because the job at which you had the first injury became too

difficult to do, then this certainly is a further penalty on the injured worker.

Not only has an injured worker had to quit or remove himself from the original job he might have been doing for a great number of years and in which he had an enormous amount of expertise; not only would he have had to remove himself from an environment in which he may have trained and looked forward to spending his entire work life; not only is he being penalized in that aspect because of his injuries—and of course that is understandable; one cannot make one's body do physical things it is incapable of doing—but once such an individual finds a different place of employment and the old injury recurs, then absolutely the rate has to be compensated at the rate of the original injury.

It does not take anyone learned in the law to understand what this section means. It is very clear. It could have been written in plain English it is so clear, so I have to join my colleagues in their opposition to this subsection.

The only comment I would want to make is that I did not think we were on subsection 43(7) yet. I thought we were still on section 40, so while this conversation has been extremely stimulating and very important, maybe we can get back to section 40 and deal with subsection 43(7) when it comes. Since the Chairman has allowed this wide-ranging debate at this time, I felt it to be appropriate for me also to interject my views.

Hon. Mr. Ramsay: Mr. Chairman, with respect, I think we have been talking about two different circumstances.

Mr. Mancini: Apples and apples, right?

Hon. Mr. Ramsay: No. The member for Dovercourt has been arguing that a worker who was once injured and then returns to work at lower wages will be penalized if he has a new accident, because his or her benefits will be calculated on the basis of his or her lower wage position. That is true, but that is a new accident. In other words, the first time around he injured his leg and the second time around on the job with the lower wage he has injured his arm, then that is a new accident.

5:20 p.m.

However, if the worker was injured and later returned to work experiencing a recurrence—that is what I believe the member for Nickel Belt has been talking about—then the worker is compensated on the basis of his or her higher pre-injury earnings. That is an advantage to the worker.

Mr. Mancini: My comments address the same injury. For example, if a person injures his knee or shoulder and because of the type of work he is doing he has to find a different type of employment, and if at this new employment—I am talking about the same injury, the shoulder, arm, or whatever part of the body was injured—there is a recurrence of the first injury, it should then be compensated at the original rate. If that is in the act, I am glad I was able to clarify that. A new injury to a different part of the body is a new injury.

Mr. Lupusella: I raised a point, about which the minister agreed I was right, which is not contemplated in the act. We are penalizing, and the minister agrees with me, all the injured workers who were earning more money but, as a result of permanent disability awards, were unable to go back to their original work and who were faced with a new accident. If they are making less money than when the original accident occurred they will be penalized because under this act the board will take into consideration the earnings at the date of the most recent employment of the worker.

There is no disagreement about what Bill 101 will do. It will penalize all injured workers who will be receiving a permanent disability award from the board when they go to a completely different type of employment because they cannot do the same type of job they were doing at the time of the original accident. If there is a new accident, injured workers will be penalized as a result of subsection 43(7). Am I correct?

Does the minister not feel compelled to agree they should not be penalized and that this subsection should be amended to take into consideration the cases of injured workers who are permanently disabled and recognized to be so and unable to perform the same type of job? If they must take a different job which will pay them less, does the minister not think they should not be penalized?

Does he not feel compelled to agree that the law should be drafted in such a way that in a clear-cut case of an injured worker who is permanently disabled and earning less than when the previous accident occurred and who has a new accident, he should not be penalized? Does he not feel compelled to agree the law should be changed?

Mr. Chairman: All those in favour of Mr. Lupusella's amendment to subsection 40(1) of the act will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Lupusella: We understand the complexity of this bill. The committee spent a lot of time debating the law. I would like to convey a clear message to the minister. This law will not be changed for at least 43 years. We are finding loopholes now within the context of the law. I think the minister is calling workers to demonstrate in five or six years' time, as a result of the inefficiency of this bill and the problems it will cause injured workers, such as the particular section I brought to the attention of the House just a few minutes ago. At any rate, I think what the minister is doing is unfair and he should change his mind.

I have another amendment that is related to clause 40(2)(a).

Mr. Mancini: I may be wrong, but I wanted to add a new section 44.

Mr. Chairman: We are not that far, with all due respect. We are dealing with subsection 40(2).

Mr. Mancini: I am sorry. I must have been confused with all the debate we had on section 43.

Mr. Chairman: There is a similarity here.

Mr. Lupusella moves that clause 40(2)(a) of the act, as set out in section 11 of the bill, be amended by deleting the words "90 per cent of."

Mr. Lupusella: Mr. Chairman, my colleague the member for Nickel Belt made very clear the reasons we are planning to delete these words in the proposed clause 40(2)(a). Again, the particular situation I have just described is not contemplated in this clause, even though we are dealing just with the issue of the 90 per cent. Of course, we are favouring 100 per cent.

I do not want to repeat the arguments, but in subsection 40(2) there is a clear indication of what we are dealing with. It says: "Where temporary partial disability results from the injury, the compensation payable shall be,

"(a) where the worker returns to employment, a weekly payment of 90 per cent of the difference between the net average weekly earnings of the worker before the injury and a net average amount that the worker is able to earn in some suitable employment or business after the injury."

The minister has an opportunity to elaborate on the concern I raised before about injured workers who, even under this particular section, are faced with a permanent disability and who are unable to return to the same type of employment

or business after the injury. The principle of the 90 per cent has been stated. I am particularly concerned that the minister consider at this point not only the people who are faced with the temporary partial disability that results from an injury, but also those who are faced with a permanent disability that results from an injury.

Regarding the concern that was raised on subsection 43(7), there are particular repercussions we are going to be dealing with from now on in different subsections.

Why are we dealing with the issue of penalties? This is another penalty that has been imposed on injured workers.

5:30 p.m.

Mr. Chairman: All those in favour of Mr. Lupusella's motion will please say "aye."

All those opposed will please say "nay".

In my opinion the nays have it.

Vote stacked.

Mr. Chairman: Mr. Lupusella moves the deletion in subsection 40(3) of the words "In determining the amount to be paid under clause 2(b), the board shall have regard to any payments the worker receives under the Canada pension plan."

Mr. Mancini: We had a lengthy debate the other day concerning the principle of deducting Canada pension plan payments and integrating them with an award or awards received from the Workers' Compensation Board. The Chairman will remember the conversation we had in the Legislature and the strong words we used to inform the minister how disappointed we were that he was moving forward to integrate those payments.

This section deals with that concern. We informed the minister the other day that under no circumstances would we support, assist or be co-operative in his request for putting forward this integration and making it law.

Therefore, we cannot support this section. We have to support the principle espoused in the amendment, which is concurrent with the views and the motion I put forward the other day to delete subsection 36(13).

Mr. Lupusella: I do not want to make the argument on the Canada pension plan because it was clearly stated during the committee stage by my eloquent friend the member for Nickel Belt.

There is reference to the whole spectrum of rehabilitation programs that are currently applied by the board. They will be in place as a result of the implementation of Bill 101. There is reference to clause 40(2)(b), which talks about

the vocational rehabilitation program of the board. I would like to emphasize that when Bill 101 is implemented, if we are faced with the same programming structures that are in place now, the penalization program that will be implemented as a result of this bill and the present act, when injured workers fail to co-operate and therefore will not be entitled to receive further benefits covered by the present act and the new act, will be a great mistake.

In the past we had complaints that were raised before the board when it appeared before the standing committee on resources development to deal with the annual report of the activities of the board. We raised this concern when the resources development committee was appointed to review the contents of Bill 101 about how effective the rehabilitation program was at the board level, the number of people who were using the program and the way the board screened the co-operation of injured workers in order to receive certain benefits under the present or the new act, which will be almost the same.

The only new feature will be the amount of money, which differs in the old act and the new act. I think the procedures and the way the board will screen injured workers to determine whether they are co-operating with the vocational rehabilitation department will be the same.

I have this concern because I had an opportunity to review the contents of a survey—I am not sure whether it was done by the minister or the board, so the minister may correct me—that was sent to each employer across the province. The questions I saw in this survey related to the length of time the claim was supposed to be paid under the present act. The employers were asked whether they thought the length of time the claim was paid was too long, too short or all right. I think that is wrong.

To determine the length of time of a claim, we have in place a structure based on medical grounds under the present act or the new act. There was no division of the question to determine whether the length of time of the claim related to a person who was receiving temporary total disability benefits or to an injured worker receiving a pension or a supplement pension on top of the pension. No such distinction was made. The way the question was raised in this survey, I think employers across the province eventually gave an answer either to the minister or to the board, whichever initiated this survey.

I had the impression that the length of time of a claim will be decided by the board. We know for a fact the length of time of a claim is decided by

medical information or information that is provided to the board to substantiate the nature of the claim. They talked about the assessment, the premium, how the board was operating and so on. I have to fault this survey because I think the way the questions were raised was interesting.

5:40 p.m.

If we go to the contents of this section and why we are deleting certain contents of the sub-clauses, it is because the dollars and cents are really based on the old system that the board operates and has operated for so many years. Even though there are injured workers who are co-operating with the rehabilitation department and its officers, the board has to find out whether they are spending a lot of money on behalf of injured workers or whether they have to refrain from spending a lot of money for fear the premiums will have to be increased in a subsequent year.

I brought a few cases to the attention of the committee that clearly indicated injured workers were co-operating with the board and the rehabilitation department and yet their supplement pensions had been denied. Of course, the board will find different ways in which to identify injured workers who are failing to co-operate or who are not available for medical or vocational rehabilitation.

Eventually the board may tell them to apply for Canada pension plan benefits, or officers may ask such simple questions as, "How do you feel today?" If the injured worker answers that he has a lot of pain, pain that justifies the permanent disability award given to him, then this is an excuse to rationalize that the injured worker is failing to co-operate or is not available for a vocational rehabilitation program.

Another point I wish to focus on is a new feature of the bill, spelled out in clause 45(5)(a), which says the board may supplement the award unless the worker "fails to co-operate in or is not available for a medical or a vocational rehabilitation program which would, in the board's opinion, aid in getting the worker back to work."

In the past we have had lengthy discussions about the medical or vocational rehabilitation programs for injured workers. If I recall correctly, there was an implication that if an injured worker refuses to have surgery, then that is a refusal to rehabilitate himself. Thus he is unable to co-operate with the medical branch of the board, and this will be an excuse for the board to reduce benefits to the injured worker or not give him extra benefits.

I want to make clear to the minister that in cases of back injuries, for example, even the medical professional realizes that in certain instances there is no apparent need to have surgery because the surgery per se might cause the condition of an injured worker's back to deteriorate. Even though we recognize this pitfall, which has also been recognized by the medical profession, if the injured worker refuses to have surgery, then under this subsection the board will have the opportunity to reject further benefits on the grounds that the injured worker is refusing to rehabilitate himself or to improve his physical condition.

We do not have any assurance on the part of the minister that the board will not use this subsection against injured workers across Ontario to reduce their benefits. As I stated before, the principle that is the basis of the operation of the Worker's Compensation Board is money, dollars and cents. The board places great emphasis on a reduced budget, and someone has to pay the price for that. Who is paying the price? It is the injured workers across Ontario.

I want to go back to the issue of marginal improvements and so on. There are some marginal improvements in the bill. I think the theory behind it is money and, as the member for Nickel Belt has stated on different occasions, he has lost faith in the system. I have lost faith in the system too.

Hon. Mr. Ramsay: Mr. Chairman, the honourable member has suggested, as he did in committee, that the board or the ministry conducted a survey of the employers of this province. I reported to him at the committee stage, and I will report again for the record, that no survey was commissioned by either the board or the ministry.

Mr. Lupusella: Mr. Chairman, the minister says no survey was conducted by either the board or the ministry, but tomorrow I will bring a copy of the survey; then the minister will have to launch an inquiry into the defensive position he has taken that neither his ministry nor the board initiated a survey, because someone printed a survey to be sent to the employers across Ontario.

Mr. Haggerty: Mr. Chairman, I want to comment on section 40 of the act, which we are dealing with. I want to direct a question to the minister.

Mr. Chairman: Is it on subsection 40(3)?

Mr. Haggerty: It deals with the whole section; let me put it that way, because we are dealing with income. Correct?

An hon. member: The income section.

Mr. Haggerty: That is right, the income section, which deals with the degree of disability.

I notice it refers to "90 per cent of the worker's net average earnings before the injury so long as temporary total disability continues." I question the use of net average earnings. In looking at the calculations I have here, if we compare 90 per cent of net income with 75 per cent of gross income, a person earning \$20,000 would receive, on the basis of 90 per cent of net income, \$14,074 in round figures; if he were under the 75 per cent of gross income, his income would be \$15,000.

If I go down the table I have before me, after all the deductions are taken off—Canada pension, union dues and all the other fringe benefits—you end up with the net income. On the basis of 75 per cent of gross income—that is, on the maximum that he earns—he would generate more income on that factor alone under the old formula, 75 per cent of gross income.

If we accept this amendment, it means the injured worker, even on permanent disability, permanent partial disability or temporary disability, would be losing income because of it. There is a disadvantage when you take the level of 90 per cent of net income. If it were based upon the old formula, injured workers would actually be much farther ahead.

Has the minister done any analysis in this area? He is shaking his head. I guess he agrees with my comments.

Why would we be moving in this direction? I thought there was supposed to be some benefit to the injured worker in moving to net income, and there is not.

Hon. Mr. Ramsay: There is.

Mr. Haggerty: The minister says there is, but the figures I have before me do not work out that way.

Hon. Mr. Ramsay: Mr. Chairman, the 90 per cent level of net income replacement more accurately reflects a worker's disposable income than does the standard of 75 per cent of gross, which penalizes low-income workers and takes no account of the number of a worker's dependants.

With the greatest of respect, we discussed this issue for many days in committee and we have discussed it for four days at this stage of the proceedings. We have a pretty good bill here. I am starting to have serious reservations about whether we will get it through before the end of the session. If we do not get this through, then

four years of work and effort and a pretty damned good bill here are going to go down the drain. If that is what the members want, then that is it.

5:50 p.m.

Mr. Mancini: Mr. Chairman, on a point of order: I do not want the minister to leave the impression here in the House, and on the record, that because the opposition parties had a contribution to make with regard to Bill 101 the bill might not be passed for Christmas and four years of work might go down the drain. I want the record to show that we waited for a long time to have Mr. Weiler and all the other people do their work.

Mr. Chairman: Order. That is not a point of order. The member will have to save it for the debate.

Mr. Mancini: It is not right for the minister to blame the opposition members for this bill not passing. We can schedule extra time here in the House if this extra time is needed.

Mr. Laughren: Mr. Chairman, I think the minister is being totally unfair and unreasonable. He need not stand in his place and wave a big stick at the opposition, implying that if we do not hurry up with this debate he will pull the bill in an act of petulance and four years of work will go down the drain. That is exactly what he has said.

Hon. Mr. Ramsay: You are full of it.

Mr. Laughren: Mr. Chairman, if I can quote the minister, with all due respect, I am not full of it. I am not misquoting the minister. What the minister said was that four years of hard work would go down the drain. I would call that a threat to the opposition to pull the bill. How else could it be interpreted? We are attempting to work our way through this bill. We can do a much better job without the minister's temper tantrums.

Mr. Chairman: All those in favour of Mr. Lupusella's motion will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Lupusella: Mr. Chairman, I have another amendment to delete in the proposed subsection 40(3) the words: "In determining the amount to be paid under clause (2)(b)"—

Mr. Chairman: Order. I believe we just voted on that one. We are moving to section 41. We just dealt with subsection 40(3).

Mr. Lupusella: Yes.

Mr. Chairman: Now we are talking about section 41 of the act. Is the motion to delete the full section 41?

Mr. Lupusella: The motion is to delete in the proposed subsection 40(3) the words: "In determining the amount to be paid under clause (2)(b), the board shall have regard to any payments the worker receives under the Canada pension plan".

Mr. Chairman: As the member knows, we have just dealt with that. That has been stacked for 10:15. I believe the member has indicated to the chair that he proposes a further amendment to section 41 as set out in section 11 of the bill.

Mr. Lupusella moves that section 11 of the bill be amended by deleting the proposed section 41 of the act.

Mr. Laughren: Mr. Chairman, I wonder if I could speak to the amendment moved by my eloquent, dedicated, knowledgeable colleague the member for Dovercourt. I will be brief. I was not trying to deliberately provoke the minister a few minutes ago.

Mr. Martel: He was out fishing; he got a big strike.

Mr. Laughren: I was not. I was simply making a point. I was not trying to provoke him.

Section 41, which my colleague has moved to delete, and subsection 43(3) show the minister's true colours and those of the government caucus. Section 41 puts a ceiling of \$31,500 on the earnings on which compensation is to be paid. I would like to have the minister or any government member stand in his place and tell me why there should be a ceiling on earnings when one is computing compensation.

Surely to goodness, if a worker earning \$25,000 can get 90 per cent of his net, then a worker earning \$35,000 a year should get 90 per cent of his net. The minister should tell me how he justifies saying that a worker earning \$35,000 a year should not have his earnings computed in the same way as a worker earning \$25,000.

It is so illogical that it defies description. The minister has raised illogic to an art form. He cannot tell me there is a difference in principle. Let me use another example. A worker who earns \$30,000 a year gets 90 per cent of his average net earnings and a worker who earns \$32,000, \$34,000, \$35,000 or \$40,000 does not. How in the world does the minister justify that? There are two miners working underground side by side. One miner is on bonus and the other is not; the one on bonus is penalized and the other one is not. How in the world does the minister justify that?

Those people should never talk to me about the work ethic when they sit over there and penalize workers who are at higher levels of income, get

injured and have an increased financial penalty put on them, more than on workers earning less than \$31,500. They should not talk to me about the need to increase efficiency and productivity in the work place. It is all a lot of hokum. I have never seen such hypocrisy in the Conservative Party.

We debated this in committee, and the minister did not have a single logical reason as to why he has that ceiling in the bill. We know it represents a small percentage of the number of workers we are talking about, and yet he persists in imposing that penalty. There is no logical reason for it.

If the minister sometimes sits over there and shakes his head and implies we are dragging this debate on too long, I ask how in the world does he expect us, as an opposition party, to sit back and watch this kind of nonsense continue under a compensation system in Ontario where we impose an arbitrary penalty on people who earn a higher income and get injured on the job? There is no logical reason for it. However, I will sit down and await a further attempt by the minister to give us one.

Mr. Chairman: Do any other members wish to comment? If not—

Mr. Laughren: Wait a minute, Mr. Chairman. If the minister is not going to give me an answer, I will have to continue.

This bill came back from committee to the House for us to have a clause-by-clause debate with the minister on the various sections. If the minister is determined to sit there and stonewall because he has no answers when the opposition raises legitimate concerns, he can hardly expect us to engage in a nice debate to facilitate fast passage of the bill. We will not play that game with him. As opposition members in this province, we have a right to have answers to the questions we raise, and I think this is a question of substance.

The minister surely has an obligation to rise in his place and tell us why a worker earning \$30,000 gets 90 per cent of net and a worker earning \$40,000 does not. I do not know the answer, but it is not my bill. If I were bringing in a bill such as this, I would be prepared to stand in my place and tell the opposition and the people of Ontario why I was practising that discrimination against people in the work place.

I believe there is enough of a penalty on injured workers without this double jeopardy. The minister asks for the heavy water he gets in this chamber when he engages in this kind of stonewalling.

Mr. Chairman, I ask you, as a man of reason and considerable depth, at least to suggest to the minister that he has an obligation to respond to members of the opposition who raise legitimate concerns concerning this bill.

I see the minister has no intention of engaging himself in the debate. That is incredibly arbitrary and high-handed. I suppose when he has no answer, he feels it is best not to try to give one. For that reason, we will be back on this section the next time the debate comes up.

On motion by Hon. Mr. Ramsay, the committee of the whole House reported progress.

SUPPLEMENTARY ESTIMATES

Hon. Mr. Wells: Mr. Speaker, I have a message from the Lieutenant Governor, signed by his own hand.

Mr. Speaker: The Lieutenant Governor transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1985, and recommends them to the Legislative Assembly. This is signed by John B. Aird, Toronto, December 4, 1984.

The House recessed at 6:01 p.m.

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Legislative Assembly of Ontario



Fourth Session, 32nd Parliament
Tuesday, December 4, 1984
Evening Sitting

Speaker: Honourable John M. Turner
Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 4, 1984

The House resumed at 8 p.m.

ELECTION ACT (continued)

Resuming the adjourned debate on the motion for second reading of Bill 17, An Act to revise the Election Act.

Mr. Haggerty: Mr. Speaker, the other night I adjourned the debate on Bill 17, An Act to revise the Election Act.

I do not want to prolong the debate any length of time, but I did talk about how I thought it was time for some progressive move to have fixed elections in Ontario. I think it would be rather difficult to get the government to move in that area, but I suggest it should be referred to a standing committee to take a look at the matter of fixed elections compared to the way they are called today.

I think of the five provincial by-elections coming up on December 13, about a week away, and of the expenses of candidates of all three parties going through that. Three months or less down the road they may have to go through another election. I do not feel it is justified under the government's present restraint program to put the candidates through such a costly expenditure.

The other area we should be looking at besides fixed elections is putting a ceiling of perhaps \$30,000 or \$40,000 on candidates' expenses for running an election. We have some candidates, particularly from the Conservative side, who have a nest-egg sitting there for an election campaign of maybe \$60,000, \$70,000 or \$90,000. I do not believe it is quite fair to have a candidate with such muscle as it relates to expenditures that he can outspend the other two candidates seeking office. We have to bring in some equity in this area and I suggest there should be a ceiling on election expenses for candidates.

The other concern I have is that in the last provincial election the advertising of government programs was allowed to continue through the election. That should be stopped. It should not be permitted, say, even two weeks before a writ is issued, so we have no government interference on television screens or radio promoting the present government. There is no doubt such

advertising does assist in electing government members.

The other area I am concerned about is the appointment of the deputy returning officer and the polling clerk. I read in the bill they are impartial. I hope that is the intent of the bill. However, I notice when the government in power appoints enumerators to go out and put people on the voters' list, usually the government in power appoints one of these people and the sitting member has the opportunity to choose a person from within his political party. I think that is the fair way to go.

If we are looking for progressive moves in this revised Election Act, we should consider having the government appoint the deputy returning officer but giving the sitting member the right to appoint the polling clerk. I would look at that as a more unbiased position—

Interjection.

Mr. Haggerty: Not the polling clerk, no. Is that in the new act now? Is the member sure? I do not think it is.

I wanted to leave the word "patronage" out, because that is one thing this government would never use when appointing a returning officer. I hope the House leader will take those few comments as I have put them to him and that we may see a committee appointed to look at bringing in a progressive Election Act.

Mr. McGuigan: Mr. Speaker, not having studied it, I am not sure whether this is in the bill, but I had a concern brought to my attention during the last election.

A proxy vote was required because of an illness and the person had to go to a doctor to get a certificate. There is no objection to that, but it cost about \$8 to visit the doctor. A constituent brought that to my attention. I am sure he was not concerned about the cost of the matter, but he was quite vehemently against the principle of having to make a payment to exercise his democratic right to vote. If that is not addressed in this bill, I hope it will be.

Hon. Mr. Wells: Mr. Speaker, I have listened very carefully to the comments of various members about Bill 17, An Act to revise the Election Act, which is a very complete revision of the Election Act we have used in this province

for a number of years. I indicated in my opening remarks that it is about 15 years since we did a major revision of the act.

8:10 p.m.

As my friends in this House know, on second reading of a bill we are voting on the principle of the bill, not on the details of it. There are a number of details I am quite prepared to look at in committee.

Someone raised the matter of the time the polls close in northern Ontario. We can look at that when we have the committee meetings about the bill. Someone complained that Canadian citizenship would deprive British subjects of their vote too early and there would not be enough time provided for them to gain Canadian citizenship. If we have the bill a year too early in order to guarantee that, we can always look at that detail.

I have already indicated that we are going to amend this bill to allow for and to go back to the 37-day election period. However, we are not prepared and I do not think anyone in this House wants to have a different election period for the winter months and the summer months. With the modern communications and techniques we have all developed, I think we are ready in this province—

Mr. Nixon: Spoken like a city slicker.

Hon. Mr. Wells: We are ready in this province to move with all the other provinces in Canada, including a number of those that are—

Mr. Nixon: You should be leading them.

Hon. Mr. Wells: I am afraid we cannot lead them because if we were at least to lead them, or catch up with them, we would be moving to the 30-day period in the original bill. I gave my friends a rundown on what is happening in some of the other provinces and they know we are in the upper end of provinces when it comes to the length of time of election campaigns.

There are a number of details we can look at. I have already indicated to both parties I would be happy to go to committee and people from all parties can look at the details in the bill. There are a number of sections. We can look at the details and help refine some of the points that have been brought up during the debate on this bill.

I emphasize again that the principle of this bill is revision and reform to allow for greater accessibility and greater improvement in voting. I invite all those who believe in that to vote with us and give this bill second reading at this time.

On motion by Hon. Mr. Wells, the debate was adjourned.

MINISTRY OF CORRECTIONAL SERVICES AMENDMENT ACT

Hon. Mr. Leluk moved second reading of Bill 149, An Act to amend the Ministry of Correctional Services Act.

Mr. Leluk: Mr. Speaker, on November 16 I introduced first reading of the Ministry of Correctional Services Amendment Act, 1984. I rise today to move second reading of this bill which, as the members know, is enabling legislation to permit the ministry to meet its responsibilities for implementing the federal Young Offenders Act with respect to 16- and 17-year-olds.

As some members were not in the House for first reading, I will briefly review for their benefit some of the highlights of the legislation.

The Young Offenders Act is intended to hold young persons more accountable for their behaviour while recognizing they have special needs as persons not fully mature.

The first part of this legislation with respect to 12- to 15-year-olds was proclaimed on April 2, 1984. The second part of this legislation respecting 16- and 17-year-old young offenders will come into force on April 1, 1985.

The bill gives legislative authority to the Ministry of Correctional Services to appoint provincial directors, youth workers and police officers. As well, the legislation gives the necessary authority to establish places of detention and custody for young persons. The bill also gives authority to the ministry to provide the necessary services and programs for young offenders to meet the spirit and intent of the federal act.

The bill clarifies the status of 16- and 17-year-olds convicted of offences against provincial laws. While still considered adults, provision is made to ensure such persons serve any custodial disposition in a young offenders' facility.

The bill establishes a mechanism to facilitate the free flow of young offenders, regardless of age, between facilities operated by my ministry and the Ministry of Community and Social Services where program needs dictate.

The bill introduces certain features similar to those introduced by my colleague the Minister of Community and Social Services (Mr. Drea) in Bill 77, An Act respecting the protection and Well-being of Children and their Families.

These features include the creation of open and secure levels of temporary detention and the establishment of medium and maximum levels of secure custody. A custody review board is

established to review classification, release and transfer decisions. Certain young offenders' rights are also set out with an internal mechanism to review alleged denials of these rights. These features of the legislation will be proclaimed at a later date to correspond with the proclamation of Bill 77.

As I indicated on November 16, I am confident the dedicated and caring staff in my ministry will do an excellent job of providing services for the 16- and 17-year-old offenders that will meet not only the letter but also the spirit of the new law.

In order to assure honourable members that the Ministry of Correctional Services will be ready to implement the Young Offenders Act on April 1, 1985, I would like to outline some of the activities that have been undertaken to meet this deadline.

The ministry's interim plan to provide secure predisposition facilities will be before Management Board of Cabinet for approval this month. These sites will incorporate separate and apart sections of present adult facilities or will utilize portable units, but in all cases will meet the requirements of the act and provide appropriate services for young offenders.

We anticipate many of our predispositional custodial cases will be held in open-custody settings, and it is our plan to have a minimum of 10 open-custody community residences—two in each of our five regions—by April 1, 1985.

The Bluewater Centre in Goderich has been approved for secure custody and staff selection and training are well under way. In addition, a part of the Maplehurst Complex in Milton has been approved for conversion to a YOA facility to serve Metropolitan Toronto and vicinity. When fully operational, these two facilities will provide up to 360 beds. In the interim, about 200 secure beds will be made available at these sites by April 1, 1985.

Sharing of facilities with the Ministry of Community and Social Services is under discussion and this option should meet our initial needs in northern Ontario. As noted previously, we are planning for two open-custody residences in each of our five regions by April 1, 1985. This will provide 100 of these beds for both pretrial and post-disposition custodial needs. My staff have prepared extensive material on the programming needs of institutions.

Planning for education, health services, food services, volunteer programs, recreation programs and counselling services is completed and operational manuals will soon be prepared. Procedures and policies relating to visiting, mail,

clothing, canteen privileges and discipline are all being developed for review by my senior management team before Christmas.

Major position papers were prepared in regard to community disposition some time ago. We anticipate the majority of young offenders will receive this type of disposition. Some of the activities under way in this regard include development of standards for youth workers, a format and procedures for predisposition and progress reports, community volunteer programs and temporary release programs. Proposals for fine option programs and bail supervision are also being prepared.

This is only a partial list of the extensive preparations under way, but I believe it indicates our community programs will be ready to provide service in most areas on April 1, 1985. I might add that the Ministry of Correctional Services has an enviable record in the delivery of community-based correctional programs and intends to build upon that record as it carries out its responsibilities under the YOA.

An interim ministerial committee on pretrial assessments has been established with the Ministry of Community and Social Services and the Ministry of the Attorney General. Pending the report of this committee, our interim plans will be to assist the courts in securing these assessments from local resources.

8:20 p.m.

We have approved a centrally located and controlled transportation system using our provincial bailiffs and are scheduled to complete a full submission for Management Board of Cabinet by mid-December. Training plans have been approved and several training packages have already been developed. Initial training has commenced as of today and funding has been approved by Management Board for this activity.

An interministerial committee is working on matters related to information systems. The management of records under the Young Offenders Act is complex and requires the co-operation of several different agencies and jurisdictions. On an interim basis, we have developed strategies for modifying our existing system to accommodate YOA information. As members can see from this overview, the ministry is serious about implementing YOA on April 1, 1985, and has taken a decisive and professional approach to the many issues and areas involved.

I should add that we have called on the expertise of literally dozens of dedicated staff in developing these plans. I would like to recognize

publicly their efforts in accepting in an objective and enthusiastic manner the challenging work load they have carried over the past months. It is their excellent efforts that will ensure we are ready to carry out our mandate under the Young Offenders Act on April 1, 1985.

Finally, I would advise honourable members that at a later time this evening I propose to move certain consequential amendments to our act which will result in minor modifications to Bill 28, the present Ministry of Community and Social Services YOA legislation. These amendments will be put forward to ensure consistency between the Ministry of Correctional Services Amendment Act and Bill 28 in the three-month hiatus between April 1, 1985, and the proclamation of Bill 77 on July 1, 1985.

Mr. McKessock: I rise to speak against Bill 149, An Act to amend the Ministry of Correctional Services Act. We in the Liberal Party are against the principle of the bill to keep 16- and 17-year-old young offenders under the care of Ontario correctional services. In keeping with the philosophy of the Young Offenders Act, we feel the Ministry of Community and Social Services should be responsible for all young offenders up to the age of 17.

It appears there was a power struggle between the two ministries, Correctional Services and Community and Social Services. They compromised and split the young offenders between the two of them, the 12- to 15-year olds going to Community and Social Services and the 16- and 17-year olds to Correctional Services.

John Gault in his now popular article entitled Political Delinquency summed up some of the key issues around the implementation of the Young Offenders Act. He said: "Normally I can be sympathetic or more often indifferent to intergovernmental squabbles, but not when they are fought on the backs of children. The suspicion is that, despite the fact there were and are a fair number of people working hard within the ministries and official interministerial discussions have been ongoing for some time, Queen's Park has refused to come to terms with the Young Offenders Act."

He speaks of the Minister of Correctional Services (Mr. Leluk) as engaging in a takeover bid and of an interministerial power battle between the Ministry of Correctional Services and the Ministry of Community and Social Services.

All these are apt portrayals of the lack of initiative and the childish behaviour of the Ministry of Correctional Services. Indeed, it is

ironic that in discussing an act such as this, one which calls for youth to take a certain amount of responsibility for their actions, we find a ministry—in fact, various ministries—acting more childish and immature than the youths they want custody over.

It is sad—in fact, embarrassing—that the high ideals of the Young Offenders Act have been subverted by this ministry. The spirit of the act in Ontario has been trod upon and reduced to a struggle between ministries for power and money.

I am opposed to the passage of this bill because, as I stated in my task force report, I believe the 16- and 17-year olds of Ontario should be placed under the responsibility of the Ministry of Community and Social Services.

I understand how threatened the Minister of Correctional Services must feel. Were he to comply with the spirit of the act and transfer the control of 16- and 17-year-olds now under his jurisdiction, he would certainly face the ordeal of reduced overcrowding in his jails and prisons and an end to double- and triple-bunking. Of course, it is also likely his ministry's budget would be reduced, as would his staffing and his power base. As it now stands, with the implementation of this bill, the ministry will, as the minister said, add to its collection of 10 secure settings for young offenders and he will likely request a sizeable increase in his budget in 1985-86.

I mentioned this would be a chance for him to reduce the overcrowding. The Don Jail was the first jail I visited on my trip around Ontario. I would think he would grab at the chance to get something that would reduce his population in the jails, and this is one thing that could do it. Instead of that, the minister decides to build more jails and also to accept the continuation of the 16- and 17-year-olds within his ministry.

I do not know whether the minister has yet talked to the Attorney General (Mr. McMurtry) about speeding up the courts to cut down the number of remands that are now taking place. The offenders sitting in jail awaiting trial also overcrowd the jail system.

Another reason the Minister of Correctional Services may want to keep these young offenders is that the rehabilitation of young offenders has a much better record than that of older offenders. If they were released from the Ministry of Correctional Services, the statistics for rehabilitation would certainly not improve.

Consider the facts from the 1983-84 annual report of the Ministry of Correctional Services. There were 3,868 16- and 17-year-olds admitted

to the ministry's institutions, which is 7.7 per cent of the total of 50,341 admissions. Of the 40,000 who were sentenced out of those 50,000, 2,648 were 16- and 17-year-olds, which is 6.6 per cent. There were 5,825 16- and 17-year-olds commencing probation in 1983-84, which is 21 per cent of 27,361 people who were on probation. Of the 3,268 people who were on parole, 16- and 17-year-olds amounted to 357, or 11 per cent.

My research staff and I have not contacted one community member involved with criminal justice who has not stated that the primary reason Ontario is splitting youth into two categories, 12-to-15-year-olds and 16-to-17-year-olds, is clearly the vested interest of the Ministry of Correctional Services and its desire to maintain control over this very sizeable population. Conversely, I have not spoken to one community member who has said that the Ministry of Correctional Services will do justice to the spirit of the Young Offenders Act in providing for these youths.

Why are the young offenders hardly even mentioned in the recently published annual report? Surely one would think that anything as important as young offenders and their rehabilitation would justify a section in the annual report.

8:30 p.m.

From the minister's annual report we find that the rate of recidivism for those who have been in the care of the Ministry of Correctional Services is very high. Of the 27,732 persons admitted to imprisonment, 51.1 per cent had been incarcerated previously. Of the 25,304 sentenced to imprisonment, 62.7 per cent had been previously incarcerated.

Clearly, while these statistics do not tell the whole story, they speak volumes about the ministry's success in rehabilitating offenders. By way of contrast, we have the fact that the juvenile crime rate in Ontario is now at its lowest level in the past decade.

From the North Bay Nugget, October 29, 1984, we get this summary: "Mr. Drea is justifiably proud that the juvenile crime rate in Ontario is now at the lowest level of the past decade. Congratulating probation officers and social workers, Mr. Drea noted that juvenile crime dropped by 10 per cent in the past year, new probation cases dropped by 16 per cent and admission to detention centres declined 22 per cent. During the past 10 years, the number of young people in training schools had declined from 1,500 to 400.

"Last August Mr. Walker revealed that adult violent crime in Ontario had increased by seven per cent, homicides increased by 9.8 per cent, attempted murders by 16.4 per cent, sexual offences by 7.5 per cent and assaults by 6.9 per cent."

It can be argued that some of the adult crimes were committed by hard cases who graduated from juvenile crime, but the statistics would also indicate that in dealing with juvenile crime, or preventing it, the province must be doing something right, and that is under the Ministry of Community and Social Services.

To this point, and again this is the overwhelming message from the community, the Ministry of Community and Social Services is designed to deal with the balance between the immaturity of adolescence and the need for youth to take responsibility for their actions.

Today, Bill 145, An Act to amend the Courts of Justice Act, passed through second reading. In discussing the role of the judges, the Attorney General suggested that he had no problem in imagining that the judges could switch hats. He said it certainly made sense to him that his provincial and criminal court judges would also take on the role of youth court judges. As well as the community agency members to whom I spoke, I find it difficult to believe that judges can switch hats so quickly that on a Tuesday and Thursday, for example, a judge passes sentence under the philosophy of the Young Offenders Act and on the other three days the judge switches to another philosophy.

I raise this issue because the justice community perceives that the Ministry of Correctional Services must also grapple with this issue. At this point, it seems obvious the ministry will not build totally separate facilities for all its young offenders to be housed in secure facilities; thus it is likely that the ministry has every intention of sharing its manpower resources.

This means some staff will inevitably be shared between the youth area of the prison and the adult section. This will include prison guards, probation and parole staff, kitchen staff, recreation staff and such people. The issue is, can the correctional officers so quickly switch gears as to be shared between the two sections, or will they continue to treat 16- and 17-year-olds as they do now, as fully responsible adults?

This is not merely a philosophical issue. A former social worker of an Ontario correctional institution told me there are a great number of correctional officers who are not capable of or comfortable in rehabilitative roles which the

philosophy of Ontario correctional institutions insist they adopt. Many officers could not play both the good cop and the bad cop role, being supportive of the needs of the offender, while playing the role of prison guard at the same time. Many correctional officers transfer back to more rigid roles and settings such as the Don or other correctional centres.

Working at a correctional centre where both young offenders and older offenders are kept, one would have to switch his style from dealing with the more hardened criminal to the next minute dealing with a young person who, under proper management, has a better chance to change and get his life in order.

I think it is easier to deal justly with someone one does not know when it comes to criminal offences. One then looks at the facts and not at his past. In writing to the minister on several occasions this is what has come to my mind. When the facts come before one, it seems to be easier to make a judgement of what is right or wrong for the person in the justice system. Sometimes if one knows the offender, it is difficult to make the right decision for him.

It may be a similar case with the staff in correctional institutions. If they have older, more hardened criminals on their minds, they will not deal rationally with young offenders. It could very well take a different kind of person to deal with each type. A member of the correctional staff is not a computer and there may be trouble programming him to deal with both groups.

There is still some confusion about the exact location of the five secure facilities, although the minister pointed out two of them tonight, Gode-rich and Maplehurst. Central Toronto Youth Services and the Canadian Council on Children and Youth asked me to express their concerns to the House, in that they have not been informed of where these settings will be, at what cost and how they will be staffed and in that the Young Offenders Act will be fully implemented in April 1985.

I would like to remind the minister about my previously expressed stance on the ministry's attitude towards young offenders. I quote from my task force report:

"The new Young Offenders Act came into effect in April 1984 to replace the old Juvenile Delinquents Act of 1908. The Young Offenders Act covers young people from 12 to 17 years of age inclusive who have committed offences under the Criminal Code and other federal statutes and regulations. In Ontario, young people of 16 and 17 will continue to be treated as

adults during the phase-in period due to end in April 1985.

"The act's philosophy embraces four principles:

"Young people will be held responsible for their criminal behaviour.

"Young offenders have special needs because they are dependants at varying levels of development, maturity and responsibility.

"Alternative measures to the formal court process should be the primary consideration with regard to a young offender, bearing in mind that the paramount responsibility remains the protection of society.

"Young people, for the first time, are given full legal rights in the criminal justice system that all Canadians enjoy. These rights include the right to have legal representation, the right to be properly and fully informed of their rights and freedoms and the right to the least interference with their freedom which is compatible with the protection of society, their own needs and their families' interests.

"The approach taken in the Young Offenders Act's philosophy then attempts to strike a balance between responsibilities and rights.

"While the act has been, and will continue to be, criticized from both philosophical and practical perspectives, the overriding pragmatic fact is that the old Juvenile Delinquents Act needs replacement and the Young Offenders Act represents two decades of effort, discussion and compromise to reform the juvenile justice system in Canada.

"This statement is made and emphasized because of the lack of action and initiative on the part of the Ministry of Correctional Services which surrounds the act. In our talks across Ontario, one criticism has been consistent from both the Ministry of Correctional Services staff and concerned community groups. The Ministry of Correctional Services has consistently refused to acknowledge that the act exists or to prepare seriously for its implementation. The act was set to be proclaimed for effective implementation on April 1, 1983. The Ontario government was the prime mover behind the big stall which forced its deferral until October 1983 and then again to April 1984.

"To date, the Ministry of Correctional Services has refused to come to terms with the Young Offenders legislation. Their consideration of nonincarcerative alternatives has been minimal. They have operated in the belief that if they do not prepare for the act, it will not exist.

8:40 p.m.

"A major issue, still to be resolved, is the contention that the two-tiered system of justice for young offenders in Ontario is contrary to the spirit of the act, that is, offenders aged 12 to 15 will fall under the auspices of the Ministry of Community and Social Services, while those who are older will fall under the Ministry of Correctional Services. The former ministry takes a more rehabilitative approach to its clients, while the latter is clearly more concerned with punishment.

"This two-tiered delivery system, combined with the possibility of two different youth courts dealing with young offenders, will assure Charter of Rights challenges in Ontario based on questions of equality and uniformity of treatment."

My task force recommendation is that the Ministry of Community and Social Services should be responsible for all young offenders aged 12 to 18.

The schizophrenic approach which this government has adopted will surely be challenged in the courts. It is no coincidence that the Young Offenders Act and the Charter of Rights and Freedoms will both come into full force in April 1985.

The two-tier approach threatens the right to equal access to service by certain young people as opposed to other young people. Only in Ontario, and possibly in Nova Scotia, will young people be split into 12- to 15-year-olds and 16- to 17-year-olds.

What contingencies has this ministry planned if the court strikes down this two-tier approach? Is the minister going to wait to cross that bridge when he comes to it in the same manner as the Young Offenders Act, which he did not deal with until it too was on top of him?

The Attorney General, when speaking on Bill 145 today, said 13-year-olds should not be linked with 17-year-olds. I say, neither should 17-year-olds be linked with 25-year-olds, nor should they be handled in the same facilities.

Hon. Mr. Sterling: They are not going to do that.

The Acting Speaker (Mr. Cousens): Order.

Mr. McKessock: I said they should not be handled in the same facility. They are going to be handled in the same facility, some of them. The minister said he hoped most areas would be ready by April 1, but we can be assured these young offenders will be going into detention centres across the province. If they are not handled in the same facility, that will be great.

I would like to tell the story of a young girl whom I met in a community resource centre during my task force tour. She had been put into a detention centre for possession of a restricted drug for the purposes of trafficking. She had been given an expense-paid trip to Monaco for two weeks, and while coming back she was given a little package to bring home in her suitcase. On her return, she was picked up at the airport, put into a detention centre and sentenced to 16 months.

It was interesting to talk to this girl, because she happened to be the one who showed us around the community resource centre. I had thought she was on staff there, but when I was informed that she was an offender I took considerable time to talk to her about her experiences.

She informed me that while she was in the detention centre she was looked up to by other inmates because her sentence was 16 months and theirs was only six months. This startled her badly, because she was feeling remorse for the offence she had committed. I asked whether she knew she was bringing this package home in her suitcase and she said that she did. She was feeling badly about this. Yet she was sitting in a detention centre and the other offenders were praising her and looking up to her because her sentence was more than theirs. This frightened her somewhat and, fortunately, her lawyer got her out of the detention centre and into a community resource centre.

I just tell members that story to point out what rubs off on these young people when they are in with older and more experienced offenders. Quite often, when they spend some time in there and come back out on to the streets, they are looked down on. While they are in prison they are looked up to. As far as rehabilitation goes, this tends to work in reverse.

I ran into a young offender who said his parents had never come to see him while he had been in jail. He said the only communication he got was a half-hour talk with a social worker once a week. This is a far cry from any rehabilitation that should be going on for these young people.

I also talked to a homosexual who told me he had become a homosexual because his parents did not love him. He found this was an easy way out; he found someone who cared. What he was really looking for was communication with people, and here he was, sitting in a jail cell.

I cringe when I think that the system I was going through this summer is the one that is going to try to rehabilitate these young offenders.

The implementation of the Young Offenders Act will have its harshest effect on female offenders. The minister is no doubt aware of the present unequal system of justice, which discriminates against female offenders. For example, there is a lack of appropriate programs for women and a lack of programs comparable to those that male offenders receive.

In Ontario, women are inappropriately assigned to maximum-security settings such as the Metropolitan Toronto West Detention Centre for a number of reasons, including the lack of space at the Vanier Centre for Women, the lack of staff training and, I would suggest, a lack of interest in dealing more appropriately with this population.

This may be an appropriate time to remind the minister of the anger expressed by the Elizabeth Fry Society in receiving an invitation to the ground-breaking ceremonies for the new women's wing at the west detention centre. That association, like me, feels the ministry should be spending money on more community resource centres and on programs that provide alternatives to incarceration.

The statistics in the 1983-84 annual report show that out of the 1,554 admissions, 367 were female, and that out of the 1,375 sentenced to imprisonment, 207 were female. The point is that when we place the 16- and 17-year-old females in separate facilities, the small number of programs and services currently offered to females will undoubtedly suffer.

Who suffers from all this? It is the young offender whom the ministry is supposed to be helping. Duplication of service is going to be substantial, and this is going to be a cost to the public; so the public—the taxpayer—suffers.

The ministry is going to have to separate the young offenders under the act from others in the institutions and supply adequate programs. Is it going to handle the females through community resource centres? Where are its buildings and what kinds of programs is it going to put in place for the young offenders?

The truth of the matter is that this ministry should not be dealing with it at all. It should be the Ministry of Community and Social Services, and that is why we are opposing the bill.

8:50 p.m.

Mr. Martel: Mr. Chairman, as a new-found expert on this bill, as of this morning at about 10 o'clock, I want to make—

Interjection.

Mr. Martel: That is right. I have had friends say that you make your best speeches when you

do not know what you are talking about; so I will try.

It is somewhat difficult to try to put into words what my former colleague the former member for Riverdale, Mr. Renwick, tried to put across to the minister just about a year ago, on October 26, 1983; but let me try to put it in some perspective and indicate why we are taking this position.

Let me make a confession of my own. I have come to a conclusion after many years of watching students and inmates—whom I happen to represent—of that august body the ministry closed down entitled the Burwash Correctional Centre. The more I went there, the more convinced I became that only people who commit a crime of violence should be in jail.

I know that might startle some Tories who think the end result of wrongdoing is punishment; but after years of watching, I have come to the conclusion that we should incarcerate only people who commit crimes of violence. If that is so for adults, it is even more so for young offenders. In fact, it is true in spades. I do not care what grandiose name one gives an institution for keeping young offenders, it is still an institution.

I remember my good friend Father Brian McKee in Sudbury, who some members will recall raised funds to start a boys' home in Sudbury. He did it over a number of years. I went to him and said: "You know, Brian, I hate to tell you this but I think you are crazy. You are just forming another little prison. You are going to have 36 units. It will be a little more open, but in the final analysis, you are going to punish people. You are going to put people with the same problems in the same place."

That is what we are doing. The problems of young people 16 or 17 years old will not be solved by putting them with other young people of 16 or 17 who have the same type of problems. I well recall my teaching days. If one had one or two kids in a class who cut up—and I could not understand in those days why they were cutting up—one kept them as far away from each other as possible.

If one were to look at the IQs, intelligence levels and success rates in school of people who are incarcerated, I suspect one would discover the overwhelming majority were failures. There would be the odd bright one, but by and large the ones who are having problems today are the little gaffers who started having trouble in grades 2, 3, 4 and 5, who had difficulty and ended up sitting at the back of the class. All he or she did was fail.

We do not have an education system that copes with those kids and their problems. As children fail regularly in a school setting, they find ways of acting out that failure. Sometimes it is by being smart-assed. Sometimes it is by creating problems. These kids are looking for recognition, one way or the other. They do not have the capacity to succeed academically and to keep up with the other kids, and in our system we just honour those who are swift and fleet; so they find another way of getting attention, another method of gaining recognition, even if it is by punishment.

If members visited the institutions that house these kids, I suspect they would find a large majority were kids who copped out because they did not have the ability to succeed. They acted out, and as they acted out it got progressively worse. They needed more and more acting out to continue to be recognized. It could be any of a variety of problems that plagued them at school. The little thefts started and a variety of problems developed. We have never accepted the proposition that this is the progress of many of the youngsters and older people who are in our institutions today.

There is a book put out by the federal social planning council, the welfare council or whatever it is called, the one in Ottawa. The Minister of Tourism and Recreation (Mr. Baetz) was the head of it at one time. The book is called *Poor Kids*. In *Poor Kids*, we find the kids who are in prisons come from the wrong side of the track. It is much easier. The penalties are much more severe for the kids who happen to come from the wrong side of the track. It is part of a pattern that develops.

What are we going to do? Whoop-de-do, we are going to maintain them in the Ministry of Correctional Services. This is no aspersion on my friend the minister. I will not even swear at him tonight. There is another place I have seen the problem. It does not have to do with prisons. It is what we do with housing. If the members have ever seen the type of housing called low-rental units that we develop in the province for people who are in need where we put all the people in the same place, they will have seen that what happens is they feed on each other.

I have taken the position that those places should be destroyed, burned down or blown the hell up. When people are put in a setting where everyone has similar problems, they feed on each other. Members should go to some of those settlements; they are devastating. What worries me is that more kids of 16 and 17 are going to be

all housed together. It is no different from what it has been in the past, but it is the wrong way to go.

My friend Mr. Renwick put it better than anyone else in his statement about the difference between the roles of the Ministry of Community and Social Services and the Ministry of Correctional Services. I would like to quote him.

"What disturbs me behind the question of availability of options between the two ministries is the sense that somehow or other the Ministry of Community and Social Services is engaged in some form of treatment, rehabilitation and assistance, but if we go to the justice model we are engaged again in the background of a punishment system."

I quickly read through the terms in parts of the act tonight. It is not the type of system that will rehabilitate youngsters.

Mr. Renwick also said: "I am convinced that regardless of the developments that have taken place in your ministry, the philosophy of punishment is still a major part of the philosophy of the Ministry of Correctional Services, whereas all of those who have been involved in the field of child and young adult care and attention are prepared to say the deterrent aspect is important, but the major question and model is for treatment and care. That orientation is essential. This leads me to believe that it is the Ministry of Community and Social Services to which the responsibility should be given for 16- and 17-year-olds."

My friend put it about as succinctly as anyone has.

9 p.m.

Even the name, the Ministry of Correctional Services, has a connotation that it is not there to treat kids or to help kids or to do anything of that nature; it is to correct them. I do not think that is the problem with most of the young people who go astray. I think it is the failures they have had throughout their entire childhood leading into adolescence and into their teens. That is where their problems have developed and we have never coped with that issue.

To this time, the school system has not been able to cope with those problems; when one teaches a class of 33, 32 or 31 and there is some little gaffer at the back who is having trouble, there is just not the time. Lots of people argue about quality education and say it is just an easy way for teachers to reduce their classroom sizes and so on, but that is not the case. It is a case of having time to spend with a youngster who could make it if he had additional assistance. That is not possible and that is why the failure rate of

youngsters in institutions is high; those kids flopped all the way through school.

I must tell the minister about the first time I went down to Burwash. I was led in and the doors clanged behind me and I must say I was horrified. I was mortified. It was what came over me when I was in that place, I was so horrified. The sense of being almost choked stayed with me for the longest time. I can still hear those bloody doors clanging behind me. It was awful. I used to think the best thing we could do to Burwash was to put a stick of dynamite under the jail portion just to get rid of it. People are not rehabilitated in that way, being put in a place where doors clang shut behind them. The feeling is ghastly.

I was there many times. Young prisoners used to write to me because of the problems they were faced with and I would go down to Burwash. I might tell the minister an interesting fact. Every time I went to Burwash, the superintendent advised that I was there and a car used to follow me around, because there was a village in Burwash where the custodial staff lived.

I remember talking to the member for St. Andrew-St. Patrick (Mr. Grossman) when he was the minister. He said one of the worst features about Burwash was that with the town, even the guards became inmates. I guess that is one of the reasons it might have ultimately met its demise.

None the less, it was the feeling there. The minister talks about openness. I do not know how open we are talking about when we are dealing with 16-year-olds or 17-year-olds, but it cannot be open enough to suit me. As I say, I know the feeling I had when I went into Burwash to see 18-year-olds and 19-year-olds. Even though I knew I was just visiting for an hour, I can say I was frightened and horrified at the prospect of ever having to go back. Yet I went back repeatedly at the request of young prisoners.

I know I have written the minister about young prisoners in the past year. I am not sure he is so well prepared to cope with young people who have problems, because I have written him about a youngster in London who wrote to me because he had got into trouble. He came from the Sudbury area.

I do not believe we are coping with his problem, or with all the problems that are there. This is a young man who is desperate and crying for help. He comes from a broken family. His parents threw him out. I have written two or three letters on his behalf to see what the minister is going to do to retrain him, to elevate his

educational level so that he can come out and make something of himself.

The responses I have are, in my opinion, not very encouraging. I read his letters and, as my friend Elmer Sopha would say, they are so big they are almost tomes. They are eight, 10, 12 or 14 pages, and I struggle through them. He is almost crying out for help so he can get an education or training that will get him out of this ratrace.

If the minister is not ready now to cope with this young man's problem—and I listened to him say a while ago that everything looks as if it is in place—I would like to know what he has done for this young man. If the minister has not seen the letters or had time to read them, his staff will know of whom I speak.

If that is any indication of how he is going to help young people, we are in serious trouble because the answers I have received have been vague and have not dealt with the problem. There is always a bloody excuse for why the ministry cannot help him.

I want to know how the minister is going to have the capacity, because there is going to be duplication. I think within five years it will all be in one ministry; I suggest that I might still be here when that happens. It is all going to be in one ministry.

Mr. Nixon: What kind of threat is that?

Mr. Martel: I must say I was a great admirer of Judge Thomson and the work he was trying to do in the Ministry of Community and Social Services. He put children's services at a high level in that ministry. I am not sure it has not fallen apart since Judge Thomson left, but he put a structure in place to cope with the problems of young people. Theoretically it is still there. Maybe that is why my friend the minister is hanging on so desperately to this group. He knows that since Judge Thomson left it has collapsed, but it had the capacity and the people to work with young people.

As I see the minister's role, if he is dealing with adults, he is really going to have to have two bureaucracies in place. He will have those people who deal with adults and other people who are going to deal with young adults, if we want to call them that, those who are 17 or 18 years old.

We cannot have the same people in both places; I do not think the ministry can change its hat. The philosophy we adopt for someone whose rate of recidivism is great and who is back for the third or fourth call, and the way we deal with that individual, will be different from that for someone who is there for the first time. The

philosophy towards each of them will be vastly different.

I am not sure why the minister wants to have one level of bureaucracy for older inmates and another level for younger inmates and then to repeat it and try to bring the expertise together in yet another ministry to deal with young juveniles.

I remember the Ministry of Labour when occupational health was spread out all over the ball park; the Ministry of Natural Resources had some of it, the Ministry of Mines had some of it and the Ministry of the Environment was involved. It was like a dog's breakfast. The government ultimately started to pull it all together because it argued then—and it was right—that we have to put this expertise in one place. I am not sure why we are not doing that with young offenders. Whether they be 12 to 15 or 16 and 17, their problems are very much alike and very different from those of adults who are 25 or 30.

9:10 p.m.

The ministry will need two types of philosophy, two levels, and I am not sure that people can change their hats so readily, moving from dealing with young offenders and the next day dealing somehow at the ministerial level—I am not talking about an institution, I am talking about the ministerial level—and cope. We are going to have two different levels of bureaucracy and we are going to have the same thing repeated in the Ministry of Community and Social Services and I am not sure why the government is doing it. It seems to me if we are going to deal with the problems of young people who are in trouble with the law, it would be best to put all our expertise in one place and cope with them in that fashion.

As I said earlier, even the title Correctional Services bothers me because it connotes an attempt to correct. I am not sure how to interpret that. Does it mean to correct by harsh disciplinary action or by rehabilitation through a sophisticated group of people who could work together to cope with the problems?

In many instances, the educational system has not coped. I am sure some people will disagree with me, but I am absolutely convinced if youngsters did not fail all along the line in their early childhood, many of them would not lead the life they now lead. To them, the way to get attention is by being in conflict with the adult community, because that is the only form of recognition many of them ever receive.

We have to deal with the problem much sooner than is the case at present to make sure that does not happen. I do not mean kids should be promoted because they are too big for the classroom or too big for the seat. Kids are much smarter than we give them credit for. I can remember they wanted to move my own young lad from kindergarten to grade 1 in his first month of school. They put him in grade 1 when I agreed to it.

They wanted to put him in with the Flintstones. Just think of the Flintstones. Within two days, he said to the teacher, "No, you are not putting me in with the Flintstones. That is the slow group." Kids recognize it very quickly and if they fail all along the line, they will ultimately try anything to gain recognition. We are not dealing with that problem.

I wanted to mention Burwash. The minister is talking about building portables. As I said earlier, he might blow up the jail and then use the homes that are in Burwash, use the gymnasium that has three and a half basketball courts on it and six shops. All he has to do is put in the equipment. He might be able to use the male quarters that were built at a cost of \$500,000. Nobody ever slept in them, except for a day or two. It sits there, better than any motel in Sudbury, built at a cost of \$4.5 million by the Ministry of Government Services in 1974-75.

Do not talk to me about portables, rather the minister might consider tearing the prison portion down and using the rest of that facility, which belongs to the crown. Put these young people into houses that are half decent and set up a whole series of group homes. They would be a lot better off than in the portable rooms the minister is talking about.

Burwash sits there and it belongs to the government, which wiped out the fourth largest industry in Sudbury overnight. The minister might want to reconsider that. In fact, when we get out of this place in a couple of weeks, I will take the minister down and show it to him. I have been there on so many excursions trying to get somebody to use it because it is such a squandering of money. A gymnasium that is three and a half basketball courts in size was used for less than a year. Any municipality would dearly love to have it. The government cannot move it and is slowly moving the houses out one at a time.

I might tell the minister as well there is a garage there that could house half of Queen's Park. As I say, there are six shops. All the minister has to do is put equipment in and he

could have a ready-made place that is not a prison. I could even find him a couple of miners who would be delighted to blow that end of the jail down for him. They are very good with dynamite and they could blow up the part that he wanted off without damaging the rest.

Then we could go from there and have a nice little village where we would put youngsters with problems, not in any type of prison setting but really open. The minister might consider that and come to visit with me before or after Christmas if he wants.

I do not say that facetiously. I heard the minister say he has no location in northern Ontario, but he does have a location. With a little improvisation, he could have one of the best facilities going. He might just take me up on it. I see some of his staff chuckling over there. They know that over the years I have continued to harangue one minister after another over the way they have blown the bucks.

I always admire my friend. I read the articles the minister and his predecessor, the member for London South (Mr. Walker), put out saying what we do now. They write these flowery things about, "We now grow vegetables."

Does the minister know this institution used to grow all the vegetables for the institutions in the north? It used to provide all of the milk for all of the institutions until some bright guy by the name of Dr. Potter thought he would tear it down. The minister might use it. It would be a great facility for young people with absolutely no prison setting. He could develop all of the courses and curriculae he wanted, to help youngsters, and it is all there.

He would not even have to ask the Treasurer for much money to do it; it is there. It has quarters for 42 staff, but it is falling apart because it is not being used. I do not know how many houses are sitting vacant that had new windows, and new vinyl and aluminum siding put on the year it was closed. It is all there. Perhaps his staff has not told him about it. Has the minister visited it?

Hon. Mr. Leluk: Yes.

Mr. Martel: It is there and I think we could use it. If the minister needs a place in northern Ontario, and we need jobs desperately in Sudbury, he might consider it and use it.

In the final analysis, despite my imploring him to use that facility, I still cannot accept the concept of his ministry getting involved with youngsters. If we had all the expertise of dealing with young people in one place, it would make a lot more sense. Therefore, we will oppose the bill.

Mr. Nixon: Mr. Speaker, I want to congratulate my colleague the member for Grey (Mr. McKessock) in setting forward our position on this bill and having done a lot of excellent work by way of background. I believe he is taking the correct stand when he opposes the principle of this bill, which would put the responsibility for the incarceration—or the correction, if the minister would prefer that—of the 16- and 17-year-olds in his ministry and leave the responsibility for the younger age group under the Young Offenders Act with the Ministry of Community and Social Services.

I too believe it is a mistake to make this division. I would draw to members' attention some of the statistics the member for Grey mentioned in his speech, which I found extremely interesting. He indicated that the statistics show the rate of recidivism in the corrections ministry is mounting year by year and is of quite serious proportions; whereas the Minister of Community and Social Services, in the report of what he has been able to accomplish with the responsibilities in his ministry, shows a falling off of people going into those facilities. It is quite a startling and dramatic reduction of 22 per cent, according to the statistics as I heard them.

9:20 p.m.

I do not know whether this is directly applicable to the method of administration, but I do not believe it is entirely. I have visited the Burtch Correctional Centre in my constituency and been quite impressed with what is being done there by the ministry. I too have visited in response to requests by inmates and have always felt, from my experience, that they were well and fairly treated.

In the case of young offenders, I believe they should not be shoved off into a correctional facility but should be left with the Ministry of Community and Social Services. That is not the only alternative, however. In the palmy days when I had a lot more personally to do with the policy of the Liberal Party, I used to recommend that young offenders should come under the Ministry of Education.

I still feel there is a good deal to be said for that approach since the rate of recidivism is going to continue to mount unless we can provide these people with the sort of education they are going to make use of when they come back out into the community. Preparing them to face the responsibilities of citizenship in the community is the principal responsibility this minister will have. In that connection, I want to make a few remarks.

I was very interested when the member for Sudbury East mentioned the facilities at Burwash, as he has done frequently. I have heard him make the speech on many occasions, but tonight, when there was not quite so much aggression and heat in his remarks, it perhaps made a more effective impact.

In my time in the Legislature, I have seen the policy of the ministry having to do with providing farming facilities at correctional centres swing back and forth twice.

The member for Sudbury East mentioned the decision to sell the dairy herd and close down Burwash. The minister may recall—I think he was a member of the House at the time—when the decision was made to do the same thing at the Burtch Correctional Centre. Even the Guelph Correctional Centre used to have one of the finest dairy herds in the world. There were extensive farm facilities there, but much of them have been closed down, although my friend and colleague the member for Wellington South (Mr. Worton) has indicated that some of the inmates still have an opportunity to be trained in meat cutting and packing, which I think is a good idea.

If I could make an impression on the minister for a moment or two, it would be that there is no better way to capture the interest and involvement of people 16 and 17 years old than to strengthen the farming component of the training facilities available.

Not all these young people want to be farmers—far from it—but if we could have this sort of opportunity for them to work in a farm setting, under the supervision of people who know about farming and are not just filling time and getting them to cut weeds in the ditches or something such as that, but getting them interested in a breeding program involving Holstein cows or any other animals, improving the breed and maybe even giving them a chance to take the animals out to show at the fairs, we could do something to involve them in a method of earning a living that would stand them in good stead when they come out looking for a job.

It does not have to be restricted only to farming. I can assure the minister that this would not be exclusively job-oriented training, but simply a way of occupying them productively during their periods of detention. He might expand it, particularly in the Burwash area, to the kind of work that might lead them out into the bush. They would learn to be guides, how to canoe and to take people fishing. The whole area of tourism is expanding as far as employment is concerned, or we certainly hope it is.

I feel to some extent that our efforts at rehabilitation by training have been less than effective. Probably for that reason, I have often felt that it would be better, particularly for young people, if our rehabilitation programs were under the Ministry of Education. The fact the Minister of Education (Miss Stephenson) is as effective as she is, and no one would dare to give any problems while she was running the show, is simply something I mention in passing.

Hon. Miss Stephenson: My friend did not pass by fast enough.

Mr. Nixon: I am sorry about that, but I thought I should do something to draw the minister into the debate. She is working too hard.

However, with this bill being passed, even though both opposition parties are opposing it, I do feel the minister might very well take a new initiative in upgrading a number of these facilities. He has not yet told us where they are going to be located, but they should have farming and tour guiding facilities for training these young people in an open setting.

It may be that he has considered that. I simply want to recall that as members of the House we have seen the waste of taxpayers' money mentioned by the member for Sudbury East, when we close down extensive facilities, with farming capabilities such as barns and silos, and take hundreds of acres of some of the very best farm land out of production. In many cases it has been rented or simply sits idle while the ministry makes up its mind what it is going to do in the future.

I certainly recommend to him as strongly as I can that there be a vital program in effect to give these young people the sort of training that would involve their interest, use up their surplus energies in a productive way and give them an ability and training that would be saleable when they go back out into the work world.

Hon. Mr. Leluk: Mr. Speaker, I would like to start off my remarks by saying that I am somewhat disappointed that the parties opposite do not support the principle of this bill. I take it that the member for Grey ((Mr. McKessock) bases his reasoning on the fact that he has a total lack of understanding of this ministry and its programs. It is typical of his lack of research, which was exhibited in his recent one-man commission report of overcrowding in our institutions.

He totally forgot to talk about the probation and parole area of my ministry, which shows that on any given day some 40,000 people are out in the community under supervision as opposed to

some 6,500 incarcerated in our 51 institutions. That is a ratio of about six-to-one in the community as opposed to incarcerated. As I said earlier, I take it that his lack of support is based on his lack of knowledge of this ministry and its programs.

He said there was no mention of young offenders in the 1984 annual report of this ministry. I would like to point out to him that for some time these 16 and 17 year olds have been incarcerated in our adult institutions.

Mr. Martel: Guests.

Hon. Mr. Leluk: Guests of our institutions. At the time the report was written, the young offender legislation had not passed through this House and there would be no reason to talk about young offenders in a report dealing with the happenings in our ministry over the past year.

I would like to point out that 12-to 17-year-old offenders have been served in this province by two ministries in recent years, as the member for Grey knows, namely, this ministry and the Ministry of Community and Social Services.

The decision to split jurisdiction in the administration of the Young Offenders Act to deal with the two age groups was not a decision of this ministry, nor a decision for that matter of the Ministry of Community and Social Services. This was a government decision made to retain the distribution of responsibility and to build on the strength and experience of the two systems, with the 12-to 15 year-old age group having been looked after by the Ministry of Community and Social Services since 1978.

9:30 p.m.

I want to point out that both ministries are committed to ensuring that the intent and philosophy of the Young Offenders Act will be met in this split jurisdiction and that the quality of service will be provided in a consistent fashion across the total age span. When the member for Grey states there has been a power struggle between this ministry and the Ministry of Community and Social Services, I feel he really does not know what he is talking about.

I want to say to him and to the members opposite that the staff in my ministry has been working very closely with the staff of the Ministry of Community and Social Services for a number of months now in preparation for the implementation of the Young Offenders Act, both back in April 1, 1984, for the 12- to 15-year-olds through the ministry of the member for Scarborough Centre (Mr. Drea) and currently for the implementation of the act dealing with the 16- and 17-year-olds in this ministry.

I can assure members opposite that the staff members in my ministry who will be responsible for services to the 16- and 17-year-old young offenders are cognizant of the ministry's new responsibilities to these young people and are giving full regard both to the mandatory requirements of custody and service and to continuing program development.

I would also like to point out that my ministry has been a front-runner in the development of enlightened correctional programs on this continent for at least the past two decades and has included programs for the younger adult group, including the 16- and 17-year-olds now to be serviced under the Young Offenders' Act.

The legislation before this House provides a mechanism to facilitate the exchange of services between Correctional Services and Community and Social Services to ensure access to programs and services in either ministry where this is appropriate.

As the member for Grey quite rightly pointed out, this is not the only jurisdiction in Canada which has split responsibilities for implementation of the Young Offenders Act. He did mention Nova Scotia as the other province. I might point out that province looked after the juvenile or young offenders under the social model and, with the passage of the Young Offenders Act, has gone to a split jurisdiction.

There are other provinces in Canada, such as British Columbia and Alberta, which look after the young offenders totally under the justice model.

We feel the split jurisdiction has benefited the implementation of the Young Offenders Act in that the two ministries with the responsibility for implementation, as I stated before, have expertise in dealing with their respective age groups.

I feel it is important at this time to point out that the picture conjured up of this ministry as being a hard-line and punitive ministry just is not so. It is not this ministry's responsibility for the sentencing practices in the court. The prerogative of the courts is respected in the sentences that are meted out to people who commit offences. Our role is simply that of being on the receiving end in housing these people who are sent to us by the courts and to provide rehabilitative programs which I think we and our staff do in an excellent fashion.

I have a chart here which deals with distribution of average client counts for those under 18 years of age. These figures are as of November 27, 1984. According to these figures, we

currently have 10,298 in our system who are 16- and 17-year-olds. I want to point out that 3.7 per cent of them are in institutions as opposed to 90.6 per cent who are in our community programs on probation.

We have a smaller number, some 1.5 per cent, on remand. The key figure is the 3.7 per cent who are incarcerated in our institutions as opposed to those who are out in the community or in the so-called open correctional programs.

I would like to move to the Ministry of Community and Social Services to deal with 12- to 15-year-olds. The figures show a total of 7,736 in the system who are 12- to 15-year-olds, with 4.7 per cent in the training schools operated by that ministry. This would be similar or identical to those incarcerated in our institutions, which shows 3.7 per cent. Its figure of those who are in close confinement is even higher, with only 62.9 per cent in community programs.

I think those figures are very revealing. Perhaps my friend the member for Grey has not seen those figures. However, I think they are indicative of the fact that this ministry is not quite the way he has painted it in the House this evening.

Mr. McKessock: The figures of the Ministry of Community and Social Services are going the right way and those of the Ministry of Correctional Services are going the wrong way.

Hon. Mr. Leluk: The member for Grey does not know what he is talking about because he does not know which way our figures are going. He has not taken the time to find out which way our figures are going.

Mr. McKessock: They are in the annual report. I just read it.

Hon. Mr. Leluk: I suggest the member's research needs some further research.

The member for Grey also stated that staff should not be interchangeable, that adult staff cannot deal with 16- to 17-year-olds. I want to point out to him that at one time this ministry was in charge of the training schools in this province. It was in charge of the juvenile offenders in this province. Our staff has had a great deal of expertise in dealing with this type of offender. Many of the staff are still with us. We hope to utilize that expertise as we move into the implementation of the Young Offenders Act.

Mr. McKessock: Do they deal with older offenders as well?

Hon. Mr. Leluk: The facilities for the young offenders will be separate and apart from the adult facilities, if the member had bothered to

look into this matter. That is a requirement of the Young Offenders Act.

We believe our staff in all settings has the ability, the skills and the positive attitudes to work successfully with young offenders. They are doing that right now because these offenders have been in the adult correctional system.

However, to supplement this experience we are currently providing extensive training for staff and, in particular, for the staff who will be at Bluewater in Goderich, which has been approved as a secure facility. I understand that training commenced today.

9:40 p.m.

The filling of specific positions in the Young Offenders Act facilities and programs will be by application and selection among our own experienced staff who in some cases have had a great deal of experience in working with that type of offender. Some positions will be generally advertised in the local areas where we will have our facilities. I have always felt our staff in this ministry are professionals and will respond professionally to any task assigned to them.

Mr. McKessock: Where will the offender be kept while awaiting trial?

Hon. Mr. Leluk: We will have some pre-trial disposition facilities that will be both open and closed, or secure, to meet the needs of those offenders who are sent to our care by the court system.

Mr. McKessock: They will not be in the minister's other detention centres.

Mr. Speaker: Order.

Hon. Mr. Leluk: I think I—

Mr. McClellan: The minister is on a roll. He should not give up.

Hon. Mr. Leluk: Yes, I am on a roll. We should also point out the policy for Canada with respect to young offenders, which is cited in subsection 3(1) of the declaration of principle in the Young Offenders Act.

It states: "It is hereby recognized and declared that (a) while young persons should not in all instances"—and I said this in my earlier remarks here on the introduction of this bill for second reading—"be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should none the less bear responsibility for their contraventions."

Clause (b) states: "Society must, although it has the responsibility to take reasonable measures to prevent criminal conduct by young

persons, be afforded the necessary protection from illegal behaviour."

It is also important to point out to the members opposite, and in particular to the member for Grey and the member for Sudbury East, some of the significant characteristics of this age group; that is, the 16- and 17-year-olds.

We in our ministry have had an opportunity for some time to study this particular group in detail. Even compared to older adult offenders, they have proved to be a difficult group indeed. Most of those who have ended up in our institutions have quite extensive histories of lawbreaking.

Our 1983-84 statistics, for example, show a high percentage of them are in for offences involving violence or impulsive acts. We are not talking here necessarily about an average Sunday school youngster. The vast majority of the sentenced 16- to 17-year-old population, approximately 400 persons, fall into the following offence categories: break and enter, 50 per cent; serious violent offences, including robbery, forcible confinement, wounding and extortion, 15 per cent; and theft and possession, 17 per cent. Homicide and related offences and violent sexual offences, such as rape and sexual assault, although less common, are represented by offenders in this age group.

The perception out there in the public might be that because they are 15 or 16 or 17, they may be no different from, for example, my two sons, who have been in that age category. It is not quite that way. There are some young people who have committed some very serious and violent crimes. The public has a right to be protected against these offenders. They have exhibited poor behaviour, particularly when it involves assault or other violence. It is much higher in this age group than for older inmates.

Mr. Martel: Is the minister saying they are born that way?

Hon. Mr. Leluk: I am not saying they are born that way. If the member for Sudbury East will let me continue, I am trying to point out the type of individuals with whom we are dealing. I am not saying they are all that way, but that we have had a good number. It is not for me to judge why they have become that way. My mandate in this ministry is to provide housing and rehabilitative programs for those offenders sent to our system by the courts and to try to turn around their behavioural patterns and attitudes in the time they are with us.

Mr. Martel: The system is punitive and corrective.

Hon. Mr. Leluk: That is not so, and the honourable member knows that. We do not mete out punishment in this ministry.

In the general population, for every 1,000 males who are 16 or 17, there are 19 sentenced to incarceration and 35 individuals placed on probation per year. For those over 18, there are 14 sentenced to incarceration and only six placed on probation.

Mr. McClellan: Why not move the adjournment of the House?

Hon. Mr. Leluk: I am not ready to do that as yet.

As I said earlier, I feel this ministry has the expertise, the staff and the necessary experience. We have been working very diligently on preparing programs to deal with young offenders under this new legislation. We have had close consultations with the Ministry of Community and Social Services and the Ministry of the Attorney General in doing so.

Mr. McClellan: Did the Solicitor General (Mr. G. W. Taylor) write this speech?

Mr. Laughren: The Solicitor General is writing it as the minister goes. Give him another page, George.

Mr. Speaker: Order.

Hon. Mr. Leluk: We feel we will do more than an adequate job in fulfilling our mandate.

We provide many excellent educational programs. The member for Sudbury East spoke about providing such programs. I do not know whether he has ever had an opportunity to visit our Maplehurst facility in Milton, but I would recommend it very highly. Possibly the member for Grey has already been there; if he has, it has not made any impression on him.

9:50 p.m.

We provide some excellent programs, including educational programs for upgrading those offenders who want to make use of them. They are voluntary. We have vocational training and life skills training programs. We will continue to build on those programs with young offenders.

Mr. Martel: In Burwash.

Hon. Mr. Leluk: As a matter of fact, I did visit Burwash; I want the member for Sudbury East to know that. I am a minister who does like to get out of his office and visit the field staff and our institutions. I have enjoyed doing that, because then I know at first hand what I speak of.

We are currently looking at a number of possible locations in the northern region. We have been having some ongoing meetings with

the Ministry of Community and Social Services about the possibility of sharing those facilities.

Mr. Martel: They will not have to travel 400 miles. That was the reason for closing Burwash originally.

Hon. Mr. Leluk: I might remind the member for Sudbury East that one of the reasons this particular facility was closed, if he will recall, was that people on his side of the House complained about that very reason.

Mr. Martel: Nonsense.

Mr. Speaker: Order.

Hon. Mr. Leluk: Yes. They complained that there were people sent to this facility who were not close to home and that families could not visit those offenders. I just want to remind him of that.

Mr. Martel: Mr. Speaker, on a point of privilege: This side of the House did not complain about that. In fact, the closure of Burwash led to real hardship in the north because northerners were sent some 400 miles away from their homes while they could not come 225 miles from the south to Burwash. It was not this side of the House that complained. The government is still sending them 400 miles away.

Mr. Speaker: Order. As interesting as that may be, it is hardly a point of privilege—or anything else, as far as I can ascertain.

Hon. Mr. Leluk: Mr. Speaker, I just want to emphasize that the member knows full well what I speak of when I say this, because it was one of the major complaints that was made with respect to that institution.

I might also say that under this young offenders legislation it is the intent of this ministry to provide a number of temporary disposition facilities at 17 locations across the province to keep offenders closer to their homes. We hope to do that as well with the secure facilities.

Mr. Mackenzie: Why does the minister not read a prepared speech?

Hon. Mr. Leluk: Would my friend like to prepare it for me?

Mr. Martel: Somebody is misleading you—

Hon. Mr. Leluk: No. The Solicitor General is not misleading me. It is the members opposite who are misleading me.

Mr. Martel: He said it is not his staff.

Mr. Speaker: He did not actually say it.

Hon. Mr. Leluk: Mr. Speaker, I could go on for ever. The member for Grey stated that this ministry has not taken the Young Offenders Act

seriously and that we have not been addressing the fact that this legislation was brought forward some time ago by the federal government.

I want to point out to him, as I stated earlier, that our senior staff have been working extremely hard and devoting numerous hours to preparation for the implementation of this legislation. We have had close consultations with other ministries such as the Ministry of Community and Social Services and the Ministry of the Attorney General.

I would like to run quickly through some of the plans we have already completed in anticipation of the implementation of this legislation on April 1, 1985.

With respect to predisposition facilities, our interim plan has been to provide securer predisposition facilities. This will be considered by Management Board of Cabinet in the very near future. These facilities will incorporate separate and apart sections of present adult facilities or will make use of portable units, but in all cases I want to emphasize this will meet the requirements of the act and provide appropriate services for young offenders.

We anticipate that many of our predisposition custodial clients are going to be held in open-custody settings, and as I mentioned in my earlier remarks, it is our plan to have a minimum of 10 open-custody community residences, two in each of five regions, by April 1, 1985.

In dealing with post-disposition facilities, the Bluewater Centre in Goderich has been approved for secure custody. Staff selection and training are well under way. A proposal for an interim facility to serve the Metropolitan Toronto area and vicinity has been reviewed and approved by Management Board. These two facilities will provide about 200 secure beds on an interim basis, which will be adequate until some of our permanent sites become operational.

In the north, sharing of facilities with the Ministry of Community and Social Services is under discussion, and this option should meet our initial needs in that region. As noted previously, as a ministry we are committed to providing two open-custody residences in each region by 1985.

With respect to our institutional programs, our staff have prepared extensive material on the programming needs of institutions. Planning for education, health services, food services, volunteer programs, recreation programs and counselling has been completed and operational manuals will soon be prepared. Procedure and policies relating to visitations, mail, clothing, canteen privileges and discipline are also being

developed for review by my senior management team, and this is going to be done prior to Christmas.

With respect to community programs, we anticipate the majority of our young offenders will receive this type of disposition. A number of activities are under way in this regard, including such things as the development of format and procedures for predisposition; progress reports, which will be completed by the end of this month; the development of community volunteer programs by the end of February; the development of temporary release programs, again by the end of December; proposals for fine option programs, to be prepared by mid-January; a review of the appropriateness of the use of alternative measures, which will be ready by the end of March; development of Outward Bound program proposals by October 1, 1985; and development of programs for the learning disabled, again by October 1, 1985.

I feel this is an impressive list and an indication that our community programs will be ready to provide service in most areas on April 1, 1985.

With respect to pre-trial assessments, we established an interministerial committee with the Ministry of Community and Social Services and the Ministry of the Attorney General, and pending the report of this committee, our interim plan is to assist the courts in securing pre-trial assessments from local resources.

With respect to transportation, we have approved a centrally located and controlled transportation system for young offenders using our provincial bailiffs, and a full submission is being prepared with respect to that.

10 p.m.

In the area of training, training plans have been approved and several training packages have already been developed. Initial training began as of today and funding has been approved by Management Board of Cabinet for this activity.

With respect to systems development, an interministerial committee is working on matters related to information systems. Records management and destruction under the Young Offenders Act is complex and requires the co-operation of several different agencies and jurisdictions. On an interim basis, we have developed strategies for modifying our existing system to accommodate young-offender information.

As the members can see from this overview, the ministry is very serious about implementing the Young Offenders Act on April 1, 1985, and has taken a decisive and professional approach to the many issues and areas involved.

I should add we want to emphasize that we are prepared and will be prepared on April 1 to fulfil our mandate under this legislation.

On motion by Hon. Mr. Leluk, the debate was adjourned.

Mr. Speaker: Perhaps the member for Oshawa would like to help us out.

Mr. Breaugh: Mr. Speaker, I would love to help you out. I am not too sure what kind of trouble you are in.

Mr. Speaker: I am not in any trouble. We are looking for a chairman; the member for Durham East (Mr. Cureatz).

House in committee of the whole.

SECURITIES AMENDMENT ACT

Consideration of Bill 109, An Act to amend the Securities Act.

Mr. Wrye: Do you remember how to do it?

The Acting Chairman (Mr. Cureatz): I am sure we can refresh my memory.

Mr. Martel: Just like old times.

The Acting Chairman: Just like the old days.

We are dealing with Bill 109, An Act to Amend the Securities Act. Here comes the esteemed Chairman of the committees of the whole House. Are there any comments, questions or amendments?

Mr. Williams: Mr. Chairman, in the absence of the minister, I am carrying this legislation. I have no amendments to put forward at this time.

The Acting Chairman: At this time? Does that mean you may have some?

Mr. Williams: No.

Mr. Swart: Mr. Chairman, I thought perhaps we would proceed section by section. The purpose of referring it to the committee was that we in this party wanted to vote against subsection 1(2). If you would like to proceed to that point, I will make the very few remarks I am going to make and we can vote against it and get on with the rest of the business of the House.

The Acting Chairman: I am looking at it. It must be in section 1. Let us take a look. We are dealing with section 1 with regard to section 138a. Is that what you are looking at?

Mr. Swart: No, it is not.

The Acting Chairman: What are you looking at? There are only three sections in the bill. What section would you like to speak on?

On section 1:

Mr. Swart: Perhaps I should explain this, Mr. Chairman. The purpose of the bill before us is to

extend the application of the Securities Act to Her Majesty in right of Canada and Ontario. This is done in subsection 138a(1).

We in this party support that. It is a necessary measure because the courts determined that under the existing Securities Act the government of Ontario did not have the right to have jurisdiction over Quebec in dealing with matters of securities. Therefore, we are supporting this section, but it is subsection 2 that provides exceptions—

The Acting Chairman: May I interrupt? When you say "subsection 2," do you mean subsection 138a(2)?

Mr. Swart: That is correct.

The Acting Chairman: All right.

Mr. Swart: I am not sure how you want to handle this, Mr. Chairman.

The Acting Chairman: Here is a good idea: all those in favour of subsection 138a(1) as set forth in section 1 of Bill 109? How does that sound?

Agreed to.

Mr. Chairman: Great. Now we are dealing with subsection 138a(2) in section 1 of Bill 109. Is anyone speaking to subsection 138a(2)?

Mr. Swart: Mr. Chairman, I suppose we could have made our point by moving that subsection 138a(2) be deleted, because we believe the government should be put in the same position as private investors. That is what this bill purports to do, but in fact it does that in subsection 138a(1) and then turns around in subsection 138a(2) and gives governments all kinds of exceptions. Sure, they are bound by this act now because of subsection 138a(1), but then they are given all kinds of exceptions.

I do not want to go into great detail on this tonight; I went over this the other night. But I would like to point out that a section that seems to me exceedingly important is section 118, which provides for the exception. This is the section on enforcement, and it states in part:

"(1) Every person or company who,

"(a) makes a statement in any material, evidence or information submitted or given under this act or the regulations to the commission, its representative, the director or any person appointed to make an investigation or audit under this act that, at the time and in the light of the circumstances under which it is made, is a misrepresentation...."

It goes on and gives other areas in which they can contravene the act. Then it says, "...is guilty of an offence and on conviction is liable, in the

case of a person, other than an individual, or company, to a fine of not more than \$25,000 and, in the case of an individual, to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or both."

I think the parliamentary assistant will agree this means that if the government of Ontario or any other government does this and gives false information, etc., it is exempt from any of the penalties. It is stated in the advice, and I thank the parliamentary assistant for sending me a letter that included the advice to the chairman of the Ontario Securities Commission from D. W. Mundell, the counsel of the crown law office of the Ministry of the Attorney General.

It makes an assumption in the final paragraph that I think we should not accept. That assumption in making the recommendation is this, and it pertains directly to subsection 138a(2), "In subsection 2 you might consider excluding the crown from all enforcement procedures other than stop-trading orders." Then it goes on to say, "The normal assumption is that the crown will recognize its obligations if it is bound by the act."

10:10 p.m.

That assumption may be correct, and I think governments would do so. But surely if some agent of the government does commit any of these offences, there should be a penalty applied to him just the same as if he were a private dealer in securities. Therefore, we feel these exemptions should not apply and that is why we will vote against this section and want to delete it.

I draw the members' attention to section 126, on which there can be civil liability once again where wrong, incorrect or false information is provided. The exemption would apply to agents to the crown and agents of the crown. We simply think that is not fair and therefore we want this section deleted.

The other night, the parliamentary assistant attempted in some fashion to answer our objections. It was not a very satisfactory answer, either because he did not understand it or because I did not understand it. He may want to make some comments on this tonight. Perhaps I should not really be inviting him, on behalf of the members of the House, to do so, but he may want to make those comments.

I just want to say one other thing before I conclude. I made the comment when we were discussing this a week ago. Mr. Renwick, the person who would normally have responsibility for this, at that time was being taken to hospital. We know that later that same evening he died.

Mr. Renwick felt quite strongly that subsection 2 of this bill should not stand.

I believe his advice must be respected. I have full confidence that the recommendation he made was the right one and that is the reason we are opposing this subsection 2.

Mr. Nixon: Mr. Chairman, as the temporary pro tem critic for the Ministry of Consumer and Commercial Relations, I want to say to the honourable member who has just sat down that his last argument calling on the House to vote against the subsection is compelling. I am not so sure his earlier arguments were as compelling.

I discussed the matter with our critic before he had to leave for a previous engagement this evening. He and I had heard the view expressed by the member, speaking on behalf of the late member, having to do with this particular subsection, and in response to the doubts raised by the rather elaborate and intricate wording of the first two lines of subsection 2, our critic had pursued the matter with the officials of the ministry. He had actually gone over there and discussed it with them and he had been convinced that the wording of subsection 2, obtuse and hidden though it is, is necessary.

We are prepared to support the bill in its present form, unless the parliamentary assistant has other information he is going to provide tonight. But if he is simply proceeding with the bill without any further amendment or information that would militate against the section, we are prepared to support the government on subsection 2 in spite of the arguments the member has made.

Mr. Williams: Mr. Chairman, very briefly in response to the observations by the member for Welland-Thorold (Mr. Swart), the other evening I was simply giving the principles involved that I thought clearly explained the reasoning for having to qualify the total implication of the various levels of government, the federal government, other provincial governments, the territorial jurisdictions and their crown agencies, by virtue of the constitutional problems which we had to consider. The time strictures that evening prevented me from going into the specifics.

I can assure the member for Welland-Thorold that while he may not have been satisfied with my general observations in that regard, I was simply leading up to the specifics, but time did not permit me to get into the details I had wished to include that evening. It appears the same will apply this evening and I will not have the opportunity to deal with the constitutional issues in detail.

As the member for Welland-Thorold had suggested, the legal opinion I made available to him, prepared by the crown law office, detailed in 14 pages the difficulties that confronted this government in trying to make the legislation all-inclusive.

I can assure the member for Welland-Thorold that it was not through a lack of understanding of those constitutional impediments; it may have been through his particular misunderstanding, because I have not had the opportunity to make those constitutional issues available to him.

I am prepared to let that legal opinion stand on its merits if the opposition critics are prepared to accept same without further discussion. If they are looking for further explanation, I am prepared to present that on another occasion. At this time, I will let that opinion stand on its merits. On that basis, I can justify the exemption section, subsection 138(2) of the act, as set out in section 1 of the bill.

The Deputy Chairman: All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 1 agreed to.

Sections 2 and 3 agreed to.

Bill 109 ordered to be reported.

The Deputy Chairman: It being 10:15 of the clock or thereabouts and there having been an agreement to stack votes, we will have a 10-minute bell. It will ring for 10 minutes and then we will do our work.

10:27 p.m.

WORKERS' COMPENSATION AMENDMENT ACT (continued)

Resuming consideration of Bill 101, An Act to amend the Workers' Compensation Act.

The Deputy Chairman: All members will take their seats. We are dealing with Bill 101, An Act to amend the Workers' Compensation Act. We have 15 amendments that have been—

Mr. Martel: I cannot hear a thing.

The Deputy Chairman: I agree. Order.

All members will take their seats. You will hear me before we are finished. I repeat that we have 15 amendments on Bill 101. They have all been stacked.

The committee divided on Hon. Mr. Ramsay's amendment to section 3, which was agreed to on the following vote:

Ayes 49; nays 34.

Section 3, as amended, agreed to.

The committee divided on Hon. Mr. Ramsay's amendment to section 5, which was agreed to on the same vote.

Section 5, as amended, agreed to.

The committee divided on whether section 6 should stand as part of the bill, which was agreed to on the same vote.

Section 6 agreed to.

10:30 p.m.

The committee divided on Hon. Mr. Ramsay's amendment to section 8, which was agreed to on the same vote.

Section 8, as amended, agreed to.

On section 9:

The committee divided on Mr. McClellan's amendment to subsection 36(1) of the act, which was negated on the following vote:

Ayes 17; nays 66.

The committee divided on Mr. Mancini's amendment to clause 36(1)(a) of the act, which was negated on the following vote:

Ayes 34; nays 49.

The committee divided on Mr. Lupusella's amendment to subsection 36(2) of the act, which was negated on the following vote:

Ayes 17; nays 66.

The committee divided on Mr. Mancini's amendment to clause 36(2)(a) of the act, which was negated on the following vote:

Ayes 34; nays 49.

The committee divided on Mr. Lupusella's amendment to subsection 36(3) of the act, which was negated on the following vote:

Ayes 34; nays 49.

The committee divided on Mr. Mancini's amendment to subsection 36(5) of the act, which was negated on the following vote:

Ayes 17; nays 66.

The committee divided on Mr. Lupusella's amendment to subsection 36(9) of the act, which was negated on the following vote:

Ayes 34; nays 49.

The committee divided on whether subsection 36(13) of the act should stand as part of the bill, which was agreed to on the following vote:

Ayes 49; nays 34.

The committee divided on whether section 9 should stand as part of the bill, which was agreed to on the following vote:

Ayes 49; nays 34.

Section 9 agreed to.

On section 11:

The committee divided on Mr. Lupusella's amendment to subsection 40(1) of the act, which was negated on the following vote:

Ayes 34; nays 49.

The committee divided on Mr. Lupusella's amendment to clause 40(2)(a) of the act, which was negated on the following vote:

Ayes 34; nays 49.

Mr. Laughren: Mr. Chairman, on a point of privilege—

The Deputy Chairman: I do not know why you are standing.

Mr. Martel: We have been trying to get your attention now for the past two minutes. He has been trying to get your attention for two minutes now. What do you want him to do—a fan dance on his desk?

The Deputy Chairman: There is no point of order at this point. There is nothing out of order.

Mr. Martel: You do not know that.

The Deputy Chairman: There are no points of order allowed in the middle of a vote.

Mr. Laughren: All right, I will call it a point of privilege. When the House adjourned at six o'clock, I was on my feet on section 41 as set out in section 11 of the bill. We did not proceed beyond that.

The Deputy Chairman: We are not on section 41. We are on subsection 40(3) of the act as set out in section 11.

The committee divided on Mr. Lupusella's amendment to subsection 40(3), which was negated on the following vote:

Ayes 34; nays 49.

The Deputy Chairman: We have not finished with section 11. We will continue the debate later.

10:40 p.m.

On motion by Hon. Mr. Wells, the committee of the whole House reported one bill without amendment and progress on another bill.

ELECTION ACT

The House divided on Hon. Mr. Wells' motion for second reading of Bill 17, which was agreed to on the following vote:

Ayes

Andrewes, Ashe, Barlow, Bennett, Bernier, Bradley, Brandt, Cureatz, Dean, Eakins, Eaton,

Edighoffer, Elgie, Epp, Fish, Gillies, Gregory, Haggerty, Harris, Havrot, Henderson, Hennessy;

Hodgson, Johnson, J. M., Kells, Kerr, Kolyn, Leluk, MacQuarrie, Mancini, McCaffrey, McGuigan, McKessock, McLean, McNeil, Miller, G. I., Mitchell, Newman, Nixon, Norton, O'Neil, Pollock, Ramsay, Riddell, Robinson, Rotenberg, Runciman, Ruston;

Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Timbrell, Treleaven, Van Horne, Walker, Watson, Wells, Williams, Wiseman, Wrye.

Nays

Allen, Breaugh, Bryden, Charlton, Di Santo, Foulds, Grande, Laughren, Lupusella, Mackenzie, Martel, McClellan, Philip, Samis, Stokes, Swart, Wildman.

Ayes 64; nays 17.

Bill ordered for standing committee on members' services.

MINISTRY OF CORRECTIONAL SERVICES AMENDMENT ACT

The House divided on Hon. Mr. Leluk's motion for second reading of Bill 149, which was agreed to on the following vote:

Ayes

Andrewes, Ashe, Barlow, Bennett, Bernier, Brandt, Cureatz, Dean, Eaton, Elgie, Fish, Gillies, Gregory, Harris, Havrot, Henderson, Hennessy, Hodgson, Johnson, J. M., Kells, Kerr, Kolyn, Leluk, MacQuarrie, McCaffrey, McLean, McNeil, Mitchell, Norton, Pollock, Ramsay, Robinson, Rotenberg, Runciman;

Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Timbrell, Treleaven, Walker, Watson, Wells, Williams, Wiseman.

Nays

Allen, Bradley, Breaugh, Bryden, Charlton, Di Santo, Eakins, Edighoffer, Epp, Foulds, Grande, Haggerty, Laughren, Lupusella, Mackenzie, Mancini, Martel, McClellan, McGuigan, McKessock, Miller, G. I., Newman, Nixon, O'Neil, Philip, Riddell, Ruston, Samis, Stokes, Swart, Van Horne, Wildman, Wrye.

Ayes 48; nays 33.

Bill ordered for committee of the whole House.

The House adjourned at 10:50 p.m.

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No. 134

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Fourth Session, 32nd Parliament

Thursday, December 6, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 6, 1984

The House met at 2 p.m.

Prayers.

MEMBERS' PRIVILEGES

Mr. McClellan: Mr. Speaker, on a point of privilege: I believe I do have a legitimate point of privilege having to do with the interpretation of section 38 of the Legislative Assembly Act, which, as you are aware, is entitled in the marginal notes "Freedom from Arrest" and reads, "Except for a contravention of this act, a member of the assembly is not liable to arrest, detention or molestation for any cause or matter whatever of a civil nature during a session of the Legislature or during the 20 days preceding or the 20 days following a session."

I have a copy of a letter written to Credit Bureau Collections, attention: M. Breau, over the signature of the member for Yorkview (Mr. Spensieri), which reads as follows:

"Dear Sirs:

"The Legislative Assembly Act, section 38:

"'A member of the assembly is not liable to...molestation for any cause or matter whatever of a civil nature during a session of the Legislature or...the 20 days following a session.'

"I will recruit the necessary funds before next Christmas.

"If molested, I will not pay you at all.

"Yours very truly, Michael A. Spensieri, MPP for Yorkview."

Mr. Speaker, I would like you to advise this House whether it is a correct interpretation of section 38 of the Legislative Assembly Act that members of this assembly are free to welsh on their debts.

The issue has to do with a service that is provided to the members of this assembly by the Ministry of Government Services, which has arranged for the bulk purchase and the bulk printing of Christmas cards for the benefit of the members. The member for Yorkview has not paid his 1983 Christmas card bill. He is invoking section 38 of the Legislative Assembly Act and his rights of privilege as a member, as I said, to welsh on his debts.

Interjections.

Mr. Speaker: Order.

Mr. McClellan: I would like you to advise us whether a member's privileges extend to freedom from legitimate debts. If you are not able to make a ruling, I wonder if you will refer this matter to the standing committee on procedural affairs, because if that is the interpretation of this section, I am sure all members would want to join me in having it clarified.

Mr. Speaker: I will be pleased to do that and let you know. This matter has come up before and I think I have made an interpretation or a ruling, but I will look at it again.

ORAL QUESTIONS

TENDERING PRACTICES

Mr. Conway: Mr. Speaker, as an eastern Ontario member who had some difficulty getting here today, I should note that as the four Tory wise men arrived from the west, a fierce blizzard arrived in our part of the region in the east.

Mr. Speaker: Question, please.

Mr. Conway: I have a question for the Minister of the Environment, whose knowledge of the Ontario Manual of Administration I know to be very comprehensive. In that connection, will the minister turn his mind to pages 64 through 67 of the newly released Provincial Auditor's report?

Can the minister give the people of Ontario, the taxpaying public of this province, an accounting of why his department signed a second five-year management contract two years ago with a major US firm to operate an experimental resource recovery plant without tendering that multimillion-dollar contract, having regard to the fact that, as of this year, almost \$20 million will have been spent by his ministry on the running of this public facility, almost all, if not all, of which has gone to this one US company?

Hon. Mr. Brandt: Mr. Speaker, I am pleased to respond to the honourable member.

First of all, when that particular plant was first put into operation, the specific expertise that was required for the knowledge we wanted to get in the Ministry of the Environment was only available through that particular company. We were not able to tender the contract in this

instance, as we do in all other instances, I might add, only because we required the ongoing information on resource recovery, which is very specific, very detailed and very highly sophisticated information.

Our ongoing work with that particular company has not come to an end yet. It will be tendered at the end of this five-year contract. It was not possible to tender it at this time because there is no other company in the field that would be able to take over at this point.

Perhaps the member has a supplementary, although I could go on.

Mr. Conway: The minister knows the Provincial Auditor has expressed very serious concern about the lack of competitive bidding on what is now \$20 million worth of business at the experimental resource recovery plant.

Mr. Speaker: Question, please.

Mr. Conway: Is the minister saying there were no other companies available for competitive tendering in 1982 when the second five-year contract was being considered?

Hon. Mr. Brandt: To the best of my knowledge, there were not. If another company had even considered bidding on this program—and I want to share this with the member because I appreciate the concern he is registering by raising the point—it would have had to go out and purchase an entirely new fleet of vehicles to provide the transportation to and from that plant.

It is a major undertaking and a unique and unusual situation. It is one of a kind in the entire province. I want to make it abundantly clear to the member it is not the practice of my ministry not to tender these contracts. This is a specific situation and a very unusual circumstance. It was only done because of the ongoing nature of the work.

Mr. Rae: Mr. Speaker, how can the ministry possibly tell what competition there will or will not be prior to tendering? Is there not an obligation first to tender and then to tender again? Perhaps after that process has been exhausted the ministry can say, "We could not find anybody else." Surely the minister has precluded other people from even entering into the competition.

2:10 p.m.

Hon. Mr. Brandt: Mr. Speaker, when we are involved in a matter as unique as this one, where we are attempting to get scientific information out of a particular project, it is not always possible to follow the normal rules of procedure as they relate to tendering.

In this particular instance, I might add the increases in the contract price, which were cited in the original question, were well below the level of inflation. The feeling of my staff at that time was that we would lose a great deal of ground in our attempt to assist with the whole question of resource recovery in this province by interrupting an ongoing contract at that time. The decision was to continue with it, and I believe that decision to have been the right one.

However, I want to give an assurance to the leader of the third party that the contract will be tendered in the future. This is one of a kind in my ministry. It was cited by the auditor, but I do not think there was anything inappropriate about that contract whatsoever—in fact, I know there was nothing inappropriate about it.

Mr. Conway: Does the minister know the Provincial Auditor is not at all satisfied? He said in recent days that this is the largest untendered contract of which he has any awareness, not just in Ontario but in Canada.

To be more specific, what did the Ministry of the Environment say to those other two bidders or contractors who expressed an interest in bidding on that second contract two years ago? Why were they not allowed to bid at that time, keeping in mind the very clear directive set out in the Manual of Administration that tries to protect against the government and taxpayers being put in a very beholden position to one single supplier?

Hon. Mr. Brandt: That was very simply because the two firms cited by the honourable member could not supply the services and the expertise required by my ministry for that specific operation.

Mr. Conway: It is not at all clear to the auditor or to the rest of us how the minister knew that at that particular time.

Mr. Speaker: Question, please.

TUITION FEES

Mr. Conway: Mr. Speaker, I have a second question to the Minister of Colleges and Universities.

The minister of all education will undoubtedly have read that her colleague the Treasurer (Mr. Grossman), the man who would be king, has just released an economic strategy paper in which there are a number of very interesting suggestions, not the least of which is the number of his ministerial colleagues whom he would do away with. I am not going to ask the Provincial Secretary for Resources Development (Mr. Sterling) and the Provincial Secretary for Justice (Mr. Walker) to defend themselves against the cutting knife of the provincial Treasurer. I also wonder what the Provincial Secretary for Social Development (Mr. Dean) thinks about that.

As a minister of the restraint government that wants us all to live in the five per cent world, what does the minister of all education think of the provincial Treasurer's policy advice that tuition fees for the nearly 200,000 university students in Ontario—already the highest anywhere in Canada—should be raised by 15 per cent as a matter of stated public policy? Does the minister of all education agree with the Treasurer when he states, as he did recently in his economic strategy paper, that the time has now arrived for the young people of this province to pay a tuition fee increase three times that which is allowed in the five per cent world of Bill 179?

Hon. Miss Stephenson: Mr. Speaker, the question the honourable member asked was, what did I think of it? I think it is very interesting.

Mr. Conway: The nearly 250,000 university students in this province—

Mr. Speaker: Question, please.

Mr. Conway: —will take note that their minister is not very interested in defending their interests against the double-digit increases of the flat-liner himself.

Mr. Speaker: Question.

Mr. Conway: Did the minister of all education note in the Treasurer's economic strategy paper that he thinks there should be, as a matter of pressing necessity, an increase in the number of available places in community colleges, particularly in those institutions with the longest waiting lists? Mindful that the minister has been quick to point out that she is not aware of any waiting list anywhere, what does the minister of all education think about the Treasurer's suggestion that the time has now come to increase the number of available places in community colleges?

Mr. Speaker: That is the second time you asked the question.

Hon. Miss Stephenson: I do not recall that I have ever made the statement that there was no waiting list anywhere. To my knowledge, I have not made that statement at all. It is a suggestion that I think must be tempered by the factual demographic information now available to us related to the absolute decline in the numbers in the 18-to-24 age group which is currently before us and which will in the future continue to go in the direction of a downward trend until 1992. That has been a matter of some concern, not just to me but to the Council of Regents, to the colleges and to faculty members of the colleges.

One of the growing roles of the college system in this province is that it probably must be prepared to deal with smaller numbers of post-secondary students and significantly increasing numbers of part-time students who are there for upgrading education, for continuing education or for recurrent education. That is precisely the kind of pattern that seems to be emerging at the present time.

Mr. Rae: Mr. Speaker, can the minister tell us whether she agrees with the proposal that tuition fees should be increased in real terms by 10 per cent a year plus inflation?

Hon. Miss Stephenson: Mr. Speaker, this is not the first time I have heard that suggestion made. One of the questions that has been the burden of the Bovey commission is to examine university fees and make recommendations about the appropriate degree of responsibility of the students and the degree of responsibility of the public in support of universities.

Mr. Conway: Does the minister responsible for higher education feel that university students in this province should be paying more with respect to their tuition than they are currently paying?

Hon. Miss Stephenson: If I had a very strong opinion about that, it probably would not have been part of the terms of reference of the Bovey commission. I think it inappropriate that I should make any comment about that question before the Bovey commission reports. I hope that report will be in the hands of all of us within the next four-week period.

Mr. Rae: Since the Treasurer has released information that can only be described as misleading, I wonder if the minister can confirm to the House that in her own estimates she has shown that, in 1978-79, tuition fees contributed

only 14.1 per cent with respect to revenues for universities.

Mr. Speaker: Order. In placing his question, I ask the honourable member to withdraw the word "misleading," please.

Mr. Rae: Mr. Speaker, I replace the word "misleading" with "incorrect."

Can the minister confirm that, according to her own estimates, in 1978-79, students were paying 14.1 per cent of operating revenues for universities and that, according to the 1983-84 estimated figure in the 1983-84 briefing book of the Ministry of Colleges and Universities, they were paying 18.9 per cent? Therefore, there has been a substantial increase in the last six years in what students have been paying in comparison to what the government has been paying.

Mr. Speaker: Question, please.

Mr. Rae: Can the minister confirm that fact? Can she explain why the Treasurer, when he released his statement yesterday, did not indicate that in the past six years under the Tory government students have been paying substantially more?

Hon. Miss Stephenson: I remind the honourable members that in 1960 the students of Ontario, as I think the Treasurer mentioned in his statement, contributed approximately 30 per cent of the total.

Mr. McClellan: What about 1860?

Hon. Miss Stephenson: It is 1960. They contributed approximately 30 per cent of the total educational costs of the university system of this province. In 1965-66, it was down to about 25 per cent. In 1970, it was approximately 17 per cent. It declined throughout the 1970s until almost the end of the 1970s. It has crept back, after a freeze on tuition fees for a considerable period of time, to approximately 19 per cent, I believe, at the present time.

Mr. Rae: I hope the minister is aware that this 19 per cent figure is different from the figure the Treasurer released yesterday.

Mr. Speaker: Question, please.

Mr. Rae: Is the minister aware of the fact that in its latest survey the Council of Ontario Universities found 10 per cent of the students who were interviewed indicated they felt they had to reject an admission offer for financial reasons? Is she aware that 37 per cent of the students who were surveyed indicated financial concerns were their top priority in considering where they would be pursuing their post-secondary options?

2:20 p.m.

Hon. Miss Stephenson: The report the member refers to is one that was funded by the Ministry of Colleges and Universities as well as the Council of Ontario Universities and the Bovey commission. I do not honestly recall at this point what those figures are, but I shall certainly check them. It seems to me they are just a little bit out of line, but I will check them to see whether they are correct.

Mr. Conway: Does the Minister of Colleges and Universities, the minister of all education, not find it quite breathtaking to have a senior colleague of hers in the government of Ontario, at one time in this parliament, give the government great credit for holding the line on administered prices, including university tuition fees, to five per cent, and then very shortly thereafter say how terrible it is that the students are not paying enough and that they should now pay rates of increases of the order of 12 per cent, 15 per cent and perhaps 17 per cent?

Hon. Miss Stephenson: I am not sure which year it was, but it was probably 1975 when a very distinguished group of Ontario citizens, Maxwell Henderson and company, having examined very carefully a number of aspects of government in Ontario, made a very strong suggestion about the need for increasing fees at the university level. A very small step was taken when the freeze on tuition was removed, and then we went into yet another freeze period, as far as limitations were concerned, upon the increase in fees.

All these things probably have to be taken into consideration, and they will be when I see what the recommendations of the Bovey commission are.

Mr. Rae: Is the Minister of Education aware of the fact that the average among the other provinces is that students pay roughly 10 per cent in terms of their fees as a contribution to university expenses? Does she really think Ontario students should be paying two and a half times what students in other parts of Canada are paying for their education in terms of total university revenue? Is she suggesting students should be paying two and a half times the ratio of what other students in Canada are paying?

Hon. Miss Stephenson: That is a somewhat perturbing figure, since in actual fact the leader of the third party is attempting to provide us with bananas when what he is really talking about is oranges. In actual fact, the students in Ontario do not pay tuition fees that are two and a half times higher than those paid by students in other

jurisdictions. They pay somewhat higher fees in some areas and somewhat lower fees in some other areas.

Mr. Rae: I was talking neither apples nor bananas. I was questioning why the ratio should be two and a half times higher in Ontario.

EATON'S LABOUR DISPUTE

Mr. Rae: Mr. Speaker, I have a question for the Minister of Labour that concerns the strike at Eaton's. It is a simple question. The vice-president for personnel for Eaton's has been quoted as saying the company's proposals are not final. This is from a story in the *Globe and Mail*. He said: "'We may' include a system of job classification in a future offer.... 'I do not want to explain, it's just one of those things. You're asking me to give you all our strategy. I'm not going to give away our tactics.'"

Does the minister not think it rather extraordinary that, in collective bargaining in 1984, 1,500 employees would be on the street and the company has not even tabled or stated what its final offer is to those employees? If this government is really committed to helping women workers and workers at the lower end of the wage scale, why does the minister not introduce legislation such as exists in British Columbia, in which a first agreement would ultimately have to be imposed by the Ontario Labour Relations Board if either party felt it was not getting any kind of square deal in negotiations?

Why not force the employer to bargain in good faith and come up with a fair agreement that reflects what is going on in the rest of the province in bargaining?

Hon. Mr. Ramsay: Mr. Speaker, I have no intention at this time of introducing legislation similar to that in British Columbia.

Mr. Rae: I wonder how the minister feels about the fact that the suggested seniority clause that is being put forward by the company, apparently in good faith, reads as follows in the section on promotion, employees "shall be considered on the basis of their skill, ability, qualifications, performance record, potential and experience, and if an employee can satisfactorily perform the requirements of the new position, and in the company's discretion reflects the image and customer profile being attracted by the merchandise being sold, that employee shall be promoted." Hip, hip, hooray. "If two or more employees are so qualified, the company shall determine the best-qualified and he shall be promoted."

The minister is in charge of labour negotiations in Ontario and knows what kinds of seniority clauses are contained in contract after contract right across the province. Can he show me one other contract in which the company has discretion in determining the image and customer profile being attracted by the employee? Can he show me one other company in Ontario in which one's appearance is something that is going to be considered when one is up for a promotion?

Hon. Mr. Ramsay: I am not aware of any other contract that includes such a clause.

Mr. Wrye: Mr. Speaker, going back to the minister's first answer, he will recall that the issue of first-contract settlement has been one that has been put to him on a number of occasions. I raised this matter with him in estimates a couple of years ago.

Noting his first answer, perhaps he would be so kind as to elaborate on why Ontario is not prepared to get into this kind of effort to expand fair labour relations in the province, the kind of effort that might allow the parties to begin to work together when a union is first formed. Then we might not have the kind of activity that has exploded at Eaton's and threatens not only the employer but also a large number of employees who have now withdrawn their services in an effort to get a first-contract settlement that would be possible in British Columbia. Why will he not move in that direction?

Hon. Mr. Ramsay: Mr. Speaker, I hope the honourable member is not trying to compare the labour relations environment in Ontario with that in British Columbia. There is a vast difference, and Ontario looks very good in comparison.

Mr. Rae: Is the minister seriously arguing that employees working in the retail field, where their leverage is severely restricted—the minister knows that full well; their ranks are mainly made up of women, mainly lower-paid workers who have struggled for a long time even to get certified—should have to walk the streets for weeks on end without a penny in income coming in from the company just to get basic clauses that are now part and parcel of the fabric of law for literally millions of employees across Canada? Why should they have to go out on the street for something that is generally accepted, common knowledge and the standard of the industry in most industries across this country?

Hon. Mr. Ramsay: I have said this before in the Legislature and I have to say again that I do not see my role in the middle of a labour dispute—

Mr. Mackenzie: No. That is the problem.

Hon. Mr. Ramsay: The member should just hear me out. I am prepared to discuss this question in a broader context at any time, but I am not prepared to do so in the context of the particular work stoppage right now at Eaton's. There are negotiations going on, and it is not my role to get involved as to who is right and who is wrong.

Having said that, I want to continue on to say I am troubled by those negotiations. In that respect, my deputy minister and the assistant deputy minister for industrial relations had a high-level meeting yesterday about the current negotiations. My people are doing everything they can to bring the parties back to the table and to have some effective mediation.

Mr. Rae: On a point of privilege, Mr. Speaker: The minister just said in the House there are negotiations going on. He did. He said it. I will go back to the Instant Hansard.

Mr. Speaker: Order. Will the honourable member please resume his seat.

2:30 p.m.

Hon. Mr. Ramsay: On a point of order, Mr. Speaker: The honourable member is correct. I used the term "negotiations" in the wrong context. The negotiations are not going on at the present time, but as I was pointing out, a meeting was held yesterday at a high level with my assistant deputy minister and deputy minister to see whether there could be a resumption of negotiations and whether mediation efforts could be of help.

ADHERENCE TO MANUAL OF ADMINISTRATION

Mr. Elston: Mr. Speaker, I have a question to the Minister of Correctional Services and I am hoping he will not become so feisty and fiery as he did with the media yesterday.

Mr. Speaker: Question, please.

Mr. Elston: My question concerns ongoing violation of the Ontario Manual of Administration by his ministry. The minister will be aware that on March 22, 1984, my leader, the member for London Centre (Mr. Peterson), raised the question of the ongoing contracts with Montfort Blanchet and Associates, the medical consultants, and he will be aware that those ongoing contracts amounted to \$327,000.

He will also be aware that the Premier (Mr. Davis) defended the ministry in this House and indicated the Provincial Auditor had reviewed the contracts then and had not reported on the

matter. He will, however, be very pleased to know the auditor has reported on those ongoing medical consultant contracts and found them wanting.

Will the minister now admit that his ministry has been in violation of the Ontario Manual of Administration for several years and that the Premier was very much misinformed when he stood in this House and defended the ministry on March 23, 1984?

Hon. Mr. Leluk: Mr. Speaker, in answer to those questions, first, the Premier was not misinformed, and second, those contracts are not wanting.

Mr. Elston: It seems to me the auditor has indicated very clearly on page 63 of his 1984 report that those contracts were in violation of the Ontario Manual of Administration.

Mr. Speaker: Question, please.

Mr. Elston: He further indicates that this ministry now is going to apply for some kind of exemption from the Management Board so it will be brought back into compliance with the Manual of Administration. Can the minister tell us and the people of Ontario how he intends to ensure the people of Ontario will have value for money spent in his ministry if it receives the exemption from complying with the provisions of the Ontario Manual of Administration?

Hon. Mr. Leluk: In answer to that question, that exemption was granted. I do not have the exact date of the granting of that exemption, but the people of this province are getting service and value for their dollars.

Mr. Wildman: Mr. Speaker, with regard to the auditor's report on the operation of this ministry, could the minister explain what steps are being taken by his ministry to avoid delays in the administration and monitoring of probation, so we do not have the long delays that are described in the auditor's report and so people on probation are given the kind of counselling they need and the public is protected?

Hon. Mr. Leluk: Mr. Speaker, in answer to that question, we welcome examination of our operations by the Provincial Auditor and the recommendations that come forward in his report. My staff have co-operated fully in the past and will continue to co-operate with him.

In answer to the specific question raised by the honourable member, the discrepancies that were pointed out by the Provincial Auditor in relation to the monitoring of those probation cases were under review well before they were brought to our notice by the auditor. We have had a

committee working on them and we have developed a new set of standards for case reporting and recording which will be in place by the end of next month.

AVIATION AND FIRE MANAGEMENT CENTRES

Mr. Laughren: Mr. Speaker, I have a question for the Minister of Natural Resources concerning his thin-skinned and macho response to my colleague the member for Algoma (Mr. Wildman) on Monday when my colleague asked him about the inspection by the federal Department of Transport of the Ministry of Natural Resources aircraft in Sault Ste. Marie.

Mr. Speaker: Question, please.

Mr. Laughren: Does the minister not understand that it is a requirement of the Department of Transport that it carry out these inspections under regulation? Does he not believe or understand that for reasons of both efficiency and safety the quality of the maintenance of these aircraft is not a matter that should be subject to the cutbacks of his government?

Does the minister not think it rather strange that persons working on maintenance would be the same persons doing quality control on those aircraft? Finally, will he assure us he will abide by the recommendations of the September inspection by the federal Department of Transport?

Hon. Mr. Pope: Mr. Speaker, I would like to reiterate what I said on Monday. We have a high regard for the experience and competence of the staff at the ministry aviation and fire management centre at Sault Ste. Marie.

Mr. Laughren: So do we; that was never in question.

Hon. Mr. Pope: My friend should go back and read Hansard for Monday.

Mr. Speaker: Order.

Hon. Mr. Pope: As the ongoing Department of Transport and aviation and fire management discussions continue, we have every confidence that some of the differences of opinion with respect to style of reporting will be resolved.

Mr. Wildman: Mr. Speaker, we recognize that the aviation and fire management centre has competent and diligent staff. We also recognize that the federal Department of Transport clearly identified the main problems with the maintenance program to be related to inadequate management, poor organization and insufficient personnel.

The DOT said that management has failed to provide an adequate inspection organization, that management has failed to ensure effective monitoring of deferred defects of aircraft and that management has assigned insufficient personnel.

Mr. Speaker: Question, please.

Mr. Wildman: Is it not time the minister and the director of the aviation centre took the report seriously and indicated what steps they were going to take to reorganize the management and to increase the number of personnel to protect the safety of aircrew and passengers on government aircraft?

Hon. Mr. Pope: Mr. Speaker, there is no threat to the safety of crew or passengers on government aircraft. We have high-quality technicians of experience.

Mr. Wildman: No one questions that.

Hon. Mr. Pope: Why is the member saying there is a threat to safety if he is not saying that?

Mr. Wildman: Because the management is inadequate; that is why.

Mr. Speaker: Order. The Minister of Community and Social Services has the answer to a previous question.

CLOSURE OF HOMES FOR DEVELOPMENTALLY HANDICAPPED

Hon. Mr. Drea: Mr. Speaker, last Friday, the member for Bellwoods (Mr. McClellan) asked a question in regard to eight developmentally handicapped men currently staying in the Shadow Lake camp run by the Metropolitan Toronto Association for the Mentally Retarded.

The eight men are former residents of the Pine Ridge centre in Aurora, which closed August 31, 1984, five months later than the scheduled closure date of April 1984. That delay was in keeping with our intention to place every individual in an alternative appropriate to his needs prior to the closure.

The eight individuals referred to were the last residents at the centre and all were scheduled for placement with the Metropolitan Toronto Association for the Mentally Retarded. Towards the end of August, the Metro association proposed to ministry staff that the association take responsibility for these individuals and provide a small, residential setting at Shadow Lake, rather than have them remain as the sole occupants of a 146-bed facility while awaiting the final touches being put on their new homes.

The ministry staff agreed with this plan and provided a vehicle and extra staff to assist in caring for the men. This action was taken in full

consultation with the parents and had the support of the Pine Ridge parents' group, which visited Shadow Lake and was satisfied with this decision and the location. Day programming was provided with the same workshop the men were to attend when the final residential placements were made.

Subsequently, in September, two of the men moved to their new homes at the Hepscott Terrace group home. Prior to the other six individuals moving to their new homes, the spectre of a strike at the MTAMR appeared possible and a decision was made not to move the six until the labour issue was settled in order to minimize any disruption to these clients.

When the strike threat became a reality, the two who had already moved were returned to Shadow Lake to be with their friends, rather than being shifted to a strange home where they would not be familiar with staff or surroundings. At the commencement of the strike, one resident returned to his own parental home at parental request.

The current status is that the seven remaining men are being cared for by competent MTAMR management staff with continuing support from my ministry. They live in fully equipped ministry accommodation that meets all safety and health standards. The facility at Shadow Lake is a year-round centre, specifically constructed to serve developmentally handicapped people. The men are well cared for and will continue to be until the strike issues are resolved.

2:40 p.m.

On three isolated weekend situations, because of the high level of utilization of the camp, the residents were moved to a fully equipped cottage where, for supervisory reasons, two slept on fully bedded mattresses on the floor. Since the strike, five of the men have continued to go to the regular day program at the Reena Foundation's Cartwright Resource Centre. Day programming for the other two is being provided at the Shadow Lake camp. When the strike is over, these men will all move to their community residence, which has now been ready for more than a month.

Mr. Speaker: Can we please have the attention of the House and have business other than what is going on in the House done elsewhere?

Mr. McClellan: Mr. Speaker, I have two supplementary concerns. First, can the minister tell us how many supervisory staff have been brought to the Shadow Lake camp in order to

provide attendant care for the people who are living there because of the strike?

Second, will the minister tell us whether, when he approved the plan—I think he said in August or September 1984—to send the eight men to the summer camp, it was part of the plan that their residence would be rented out for weekend guests and they would be moved to some other accommodation on the property and sleep on mattresses on the floor? Was that part of the plan he approved?

Hon. Mr. Drea: Mr. Speaker, I will find out by tomorrow how many ministry employees are at Shadow Lake. They are management personnel from the Huronia Regional Centre; and they have also been brought in to provide parental respite, not just for these people.

Second, when these men were going to be moved, a zoning problem in North York had held up reconstruction of their home. They were supposed to be in the home long before the two weekends in November when the place they were staying in at Shadow Lake was rented out.

Third, the only other time it was rented out was once in September, and they knew that before they went in.

Mr. McClellan: Three times in November.

Hon. Mr. Drea: No, twice.

Mr. Speaker: Order.

ADHERENCE TO INFLATION RESTRAINT

Mr. Bradley: Mr. Speaker, I have a question for the Minister of Transportation and Communications. In the resources development committee, my colleague the member for Victoria-Haliburton (Mr. Eakins) extracted the fact that Kirk Foley, president of the Urban Transportation Development Corp., is now making \$112,000 a year as a result of a 13 per cent increase. That, by the way, is about \$40,000 more than the minister makes.

Will the minister tell us what message that sends out to the thousands of public servants across this province who have been requested, or in most cases compelled, to hold their increases to five per cent? What message does it send out when Kirk Foley, who is already making \$99,000 a year, gets a 13 per cent increase?

Hon. Mr. Snow: Mr. Speaker, first, the information that was given by Mr. Foley yesterday morning during estimates consideration was given without any reference to notes. He did not have the exact information with him; he gave that information from memory. He has notified me since that the information he gave

was not correct. I will have the correct figures for his salary for the last four years, which I will be tabling in the resources committee this evening.

Mr. Bradley: Is the minister telling us that Kirk Foley does not know how much money he has been making and how much he is going to be making? Or is it a case of having been publicly embarrassed by the fact that he received a 13 per cent increase when others in the province are held to five per cent, so now we are doing a little juggling of the figures until such time as they come down to something more acceptable to the people of this province?

Hon. Mr. Snow: I resent the innuendo of the honourable member that somebody is juggling figures. I will present a letter tonight to the estimates committee. I do not have it with me today. It is from the chairman of the board of UTDC and contains details of Mr. Foley's salary over the past four years. The increase is not a 13 per cent increase as was stated the other day. I believe it is 5.7 per cent.

LIQUOR CONTROL BOARD OF ONTARIO

Mr. Philip: Mr. Speaker, I have a question for the Minister of Consumer and Commercial Relations concerning that great centre for Tory bumbling and patronage, the Liquor Control Board of Ontario.

Can the minister inform the House how it is that the LCBO retained a firm of consultants without the benefit of competitive selection procedures and without a written agreement, and that the consultants were hired to do work that was already completed by another government ministry? Can the minister give the House an explanation for this and tell us what he intends to do about it?

Hon. Mr. Elgie: Mr. Speaker, I just want to say it is nice to be back in this friendly atmosphere. There is no suggestion of trying to get any anger or any temper into this debate and I approve of that. I think you are doing a great job controlling the mood and the atmosphere of this Legislature and certainly none of us should be critical of that; we should applaud that and carry on with that great tradition.

I would have hoped the honourable member would have recognized that the LCBO has its own collective agreement with respect to its union and, as such, its insurance coverages and benefits have been subject to that collective agreement.

It is true that the Ministry of Government Services and the Provincial Auditor pointed out this matter. As a matter of fact, the Ministry of

Government Services suggested a consultant to them in order that they might review their own coverage for their employees under the terms of their contract. That was the reason for that.

Now that it has been drawn to its attention that even that was not proper, the board will in the future tender for such positions, but it does have to retain the right to have its own coverage relate to its own collective agreement and not to those of the public service of the government.

Mr. Philip: The minister will no doubt realize that those explanations were given to the auditor and that his report rejects the argument.

On the same topic, would the minister now confirm that the policies of the Manual of Administration were also violated by the LCBO when board-owned vehicles were sold to board employees instead of being disposed of by public auction? Can the minister inform the House how many vehicles were sold in this manner and the price paid for each of them, and will he investigate to discover whether or not this is a problem of bungling or a problem of fraud?

Hon. Mr. Elgie: Again, in the atmosphere of conciliation pervading the House today and every day these days, I will be pleased to answer in that same sort of mood.

I may say that the board had the practice established of checking with a leasing company as to the reasonable price of a vehicle if it was going to dispose of it and, as the auditor reported, the board sold it to the employee if he wished it at that price. Frankly, as a result of the auditor's comments, they will discontinue that practice and will henceforth be putting them out for tender sale.

I want to say they were acting in good faith. There were five vehicles and the vehicles were sold for a total of \$15,000. There is absolutely no suggestion of any impropriety in what they did.

Mr. Conway: Mr. Speaker, the auditor reminds us once again of what a rich minefield is the liquor board in this beloved province.

Mr. Speaker: Question, please.

Mr. Conway: I am sure the minister is very relieved to know the auditor did not investigate the hiring practices, which are even more interesting.

As the minister responsible for the liquor board, what particular plans does he have to ensure that next year he will not be reporting again, or having the auditor report again, that on all of these questions the Manual of Administration is simply being ignored or otherwise flouted? Has he undertaken to meet with the

chairman of the board to see that these irregular and sometimes sloppy practices cease and desist?

3:50 p.m.

Hon. Mr. Elgie: I thought the member, in his usual magnanimous way, bringing that north-eastern hospitality to the Legislature as he does so often, would commend the board for the fact that there was very little in the report that the auditor was able to find wrong with the practices of the board. That is what the member wanted to say, is it not? Did he not intend to commend the board for its practices? That is what I heard, in my own little way, in this friendly little room.

The member will not be surprised to learn that there is a constant communication between the board and our personnel and financial branches and, if any problems arise, steps are taken to correct them. When the auditor points out deficiencies, moves are made to correct them and that practice will continue.

COMMUNITY RESOURCE CENTRES

Mr. McKessock: Mr. Speaker, I have a question for the Minister of Correctional Services. In my task force report on the deteriorating state of correctional institutions in Ontario, I criticized the minister's use of community resource centres. I said that, due to lack of consistent guidelines, these supposed alternatives to imprisonment act merely as overflow valves for detention and correction centres, extending the warehousing concept into the community.

By now the minister is aware that the Provincial Auditor agrees with me and that the lack of regulations surrounding community resource centres and the length of stays of inmates in them do a disservice to the concept of alternatives to prison. Will he now act upon both my recommendations and those of the Provincial Auditor and use the community resource centres for rehabilitation instead of as a community warehouse, primarily for short-term sentences?

Hon. Mr. Leluk: Mr. Speaker, the Provincial Auditor did comment on the administration of our system of community resource centres. The program administration for community centre services was regionalized on September 1, 1984. This allows for a localized and quick response to the needs of these agencies. Concurrent with that, we are developing, in consultation with the service providers, standards of service and a uniform contracting format that will ensure that full and effective use is made of these valuable services.

Mr. McKessock: Both the Solicitor General (Mr. G. W. Taylor) and the Attorney General (Mr. McMurtry) have been critical of the ease with which federal parolees are returned to society. The minister has constantly assured us that this ease is not reflected in the provincial probation and parole system. Now we have the auditor stating that supervision plans for probationers and parolees are often incomplete and that at least one probationer who was supposed to check in monthly had not done so for two years.

Can the minister tell the House the number of probationers and parolees who have violated their conditions of release who are still legally under the minister's care yet whose whereabouts in society are unknown to the minister?

Hon. Mr. Leluk: I do not believe the Provincial Auditor's report was critical of the supervision provided by our probation officers and parole officers. It was more critical of the administrative procedures that are provided along with that supervision. That recommendation has been acted upon and, as I mentioned earlier in answer to the member for Huron-Bruce (Mr. Elston), we have developed a new set of standards which will come into effect at the end of next month to address that very concern.

AMATEUR HOCKEY

Mr. Martel: Mr. Speaker, I have a question for the Minister of Tourism and Recreation. By the way, I would mention to the minister that the Metropolitan Toronto Hockey League has not filed those reports with me yet and the minister has not presented them to the House.

I have a question concerning a young man from Sudbury, Jamie Gregor. Is the minister aware that Jamie Gregor was hit from behind, as is usual, during a university hockey game recently and two cervical vertebrae were cracked in two places and dislodged so severely that surgery was initially considered as the only treatment possible?

I want to know how much longer we are going to look at the body count or the crippled bodies in this province before we put an end to hitting kids from behind, against which there is no defence whatsoever. How many more are going to be crippled before we say we have had enough?

Hon. Mr. Baetz: Mr. Speaker, I do not think we would respond to that question in that way. How many more bodies are we going to count? I have frankly reached a point even now where I think, as the honourable member does, that there are far too many injuries. As he knows, we are

taking a number of steps, along with the hockey world, to try to correct the situation.

It is not a case of waiting until we have reached X number of bodies before we take some action. We have set up the hockey development centre. We are working on establishing the sports safety board. We are working with Dr. Tator. As the member knows, Dr. Tator himself has indicated that although he is very concerned about this situation, there is no one simple answer to reducing dramatically the incidence of injuries.

In summary answer to the question, yes, I have had it almost up to here, just as the member has, with these injuries.

Mr. Martel: Even the coach of this team says the problem is that it is left to the discretion of the referee to call a penalty when someone is hit from the rear. Surely the new rule adopted by the Canadian Minor Hockey League, which calls for two minutes for hitting from the rear and five minutes if the player is hurt, is inadequate.

Mr. Speaker: Question, please.

Mr. Martel: Is the minister aware that Dr. Tator indicates that most of those who become quadriplegics do so because of being struck from behind? We simply cannot leave it to a referee's discretion any longer. Even according to Vern Buffey, we have to take that discretion away and make it mandatory that you cannot hit someone from behind, for which there is no defence. Are we prepared to go that far, at least, and tell the hockey establishment we will not tolerate youngsters being hit from the rear?

Hon. Mr. Baetz: That is certainly going to be one of the very specific questions that I will be taking up with the new hockey development centre to see what progress we can make there.

I am not cynical about this, although I am sometimes inclined to be a little sceptical, but I think we can achieve some progress by working through that committee and through organized hockey.

HYDRO REVIEW

Mr. Sargent: Mr. Speaker, I have a question of the Minister of Energy. In view of the catastrophic events and economic hardships that the Grey-Bruce area is facing, with thousands of homes being affected by the closing of the reactor; in view of the fact that we all know Ontario Hydro is totally out of control, with 50 cents of every dollar going to take care of Hydro debt and \$4 million a day pouring into Darlington; and given that the top nuclear authorities said last week in the Wall Street Journal that Darlington was a scandalous affair—

Mr. Speaker: Now for the question.

Mr. Sargent: In view of all these things, why will the minister not level with the people of Ontario and tell them he has no power and his ministry is a farce? He has about 100 people in public relations spending \$10 million and he is doing nothing but conning the people of Ontario. Even though he is a decent guy himself, why does he not resign and get out of all this nonsense?

3 p.m.

Hon. Mr. Andrewes: Mr. Speaker, I dare not ask the honourable member to repeat the question. Perhaps I should.

I think the member has offered some modest exaggerations in some of the figures he has quoted. I would suggest to him that the closure of the reactor at Douglas Point will not produce the impact he has led the House to believe it might. I would want to research more carefully some of the figures he has offered me on Darlington, the cost of borrowings and the other activities of Ontario Hydro.

I will not make any comments about my future in the Ministry of Energy or about the future of the ministry itself, other than to say that this appears to be the subject of some public debate these days as well. Perhaps the member would care to get into that debate, along with others, out in the public forum.

Mr. Sargent: A few months ago I asked the minister about the buildup in uranium that was never used, which is costing us \$100 million a year, and this scam of a uranium contract. He had the audacity and stupidity to say he would refer that to the Minister of Natural Resources (Mr. Pope) because it was a mining matter. That is what goes on.

Mr. Speaker: Question, please.

Mr. Sargent: In view of the fact that the minister thinks he should stay in that job and that the memorandum of agreement dated November 8, 1982, clause 4.1, reads, "The minister is not responsible for the control and direction of the business and the affairs of Hydro"—

Mr. Speaker: And now for the question.

Mr. Sargent: It also says, "This memorandum of understanding shall remain in force until December 31, 1984."

Mr. Speaker: Order. Now for the question.

Mr. Sargent: The question is, right now the ball game is over in about 21 days or something like that.

Mr. Speaker: Is that an observation or a question?

Mr. Sargent: It is in the interest of the public good. Mr. Speaker, why do you not sit down and listen for a moment?

Mr. Speaker: Why do you not place your question right now?

Mr. Sargent: All right.

Mr. Speaker: Thank you.

Mr. Sargent: The minister knows it is a farce. Why does he not quit?

Hon. Mr. Andrewes: Because there are three children, a dog, a wife, etc.

I do not know what the honourable member has against Elliot Lake and the folks there who earn their living in those jobs in the uranium industry, or what he has against Ontario Hydro and the extensive activities it has carried on at the Bruce Peninsula.

Because this is a multi-faceted question, I want to give him a multi-faceted answer. The memorandum of understanding that is in place is being discussed and will be reviewed and revised, and a new memorandum will be put in place prior to the expiration of the current one, if indeed that is appropriate and necessary.

Mr. Di Santo: Mr. Speaker, I am not asking the minister to quit, but in relation to the question asked by the honourable member, in view of the fact that all four candidates for the leadership of the minister's party are now saying Ontario Hydro is out of control, which is what we have been saying for many years, and also that this government has no control on the rates citizens are paying for the projects Hydro is building—

Mr. Speaker: Question.

Mr. Di Santo: —does the minister think at this time, or is he on the edge of making a decision, that finally the people of Ontario deserve a forum where Hydro can be discussed? Is he ready now to say we again need a select committee to discuss the business of Hydro?

Hon. Mr. Andrewes: Mr. Speaker, I am not sure that is a supplementary on the original question, or which of the supplementary questions it is supplementary to.

Mr. Speaker: I think it was a supplementary to your answer.

Hon. Mr. Andrewes: I think I have answered the honourable member's question on many previous occasions. The whole question of a select committee is one that has been debated in this House on many occasions and it has been debated elsewhere. I have commented to the

member on the various forums that are available to members of this Legislature to pose their questions on matters relating to Ontario Hydro. I encourage the member to keep up his interest in the activities of that utility and to be prepared to address these issues when they come.

PETITIONS

SUNDAY TRADING

Mr. Kolyn: Mr. Speaker, on behalf of the member for York North (Mr. Hodgson), I present a petition submitted by all the missionary churches in the Stouffville area and the United Church of Stouffville. It reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We petition you as our member of the provincial Legislature to bring to the attention of the government the total disregard for the Retail Business Holidays Act being exhibited in the flea market operations on Saturdays and Sundays in Stouffville. We petition you to have full enforcement of the act undertaken and the necessary amendment to the legislation to preserve Sunday as a day of rest."

ROMAN CATHOLIC SECONDARY SCHOOLS

Mr. Kolyn: On behalf of the member for York North (Mr. Hodgson), I present the following petition:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policies are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

Mr. Stokes: Mr. Speaker, I have an identical petition signed by 33 members of the Geraldton Composite School staff.

REPORTS

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. McLean from the standing committee on general government reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Labour be granted to Her Majesty for the fiscal year ending March 31, 1985:

Ministry administration program, \$11,847,800; industrial relations program, \$7,160,000; labour relations board program, \$4,217,000; occupational health and safety program, \$34,772,500; employment standards program, \$6,611,000; manpower commission program, \$2,135,000; human rights commission program, \$4,938,000.

STANDING COMMITTEE ON REGULATIONS AND OTHER STATUTORY INSTRUMENTS

Mr. Sheppard from the standing committee on regulations and other statutory instruments presented the committee's report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill Pr24, An Act respecting the City of Windsor.

Your committee begs to report the following bill without amendment:

Bill Pr40, An Act respecting the City of St. Catharines.

Your committee further recommends that Bill Pr12, An Act respecting the City of Hamilton; Bill Pr16, An Act to incorporate Canada Christian College and School of Graduate Studies; Bill Pr21, An Act respecting the Harold and Grace Baker Centre; and Bill Pr28, An Act respecting the Madawaska Club, Limited, be not reported.

Motion agreed to.

3:10 p.m.

MOTIONS

SUPPLEMENTARY ESTIMATES

Hon. Mr. Wells moved that notwithstanding any previous order of the House, the supple-

mentary estimates tabled Tuesday, December 4, be referred to the committee of supply.

Motion agreed to.

BUSINESS OF THE HOUSE

Hon. Mr. Wells moved that notwithstanding the provision of standing order 64(a), government business will be taken into consideration this afternoon, December 6, and next Thursday afternoon, December 13, 1984.

Motion agreed to.

HOUSE SITTINGS

Hon. Mr. Wells moved that notwithstanding any previous order of the House, this House will sit in the chamber on Wednesday, December 12, at 2 p.m.

Motion agreed to.

INTRODUCTION OF BILLS

BUSINESS CORPORATIONS AMENDMENT ACT

Hon. Mr. Elgie moved, seconded by Hon. Mr. Baetz, first reading of Bill 154, An Act to amend the Business Corporations Act.

Motion agreed to.

Hon. Mr. Elgie: Mr. Speaker, I am introducing for first reading the Business Corporations Amendment Act, 1984. The Business Corporations Act, 1982, came into effect in Ontario on July 29, 1983, and its enactment put Ontario in the forefront of Canadian corporate law. The Business Corporations Amendment Act clarifies through addition and elaboration the intent of the existing act and corrects certain anomalies that have resulted in most cases from different interpretations of the wording.

The bill before the members today proposes minor changes of a housekeeping nature to 16 sections of the existing legislation. For example, when it was enacted, the act was acclaimed for widening the rights of shareholders in general, and in particular for requiring companies to buy out dissenting shareholders. A proposed amendment to section 184 of the act makes it clear that such dissent must be communicated to the company in writing and that casting a negative proxy vote does not constitute a written dissent.

Further, proposed amendments to sections 42, 45 and 56 of the act will permit securities dealers to control the ownership of their publicly traded shares to the extent necessary to ensure compliance with the rules on ownership set down by the Ontario Securities Commission and the Toronto Stock Exchange.

There are other changes that are elaborated in the bill and in the compendium.

FARM FORECLOSURES MORATORIUM ACT

Mr. Swart moved, seconded by Mr. Wildman, first reading of Bill 155, An Act respecting Farm Foreclosures Moratoriums.

Motion agreed to.

Mr. Swart: Mr. Speaker, the bill would require a mortgagee who wishes to foreclose on a mortgage against farm land to obtain the court's permission first. In considering whether to grant the order, the court is to take into account whether the land is being farmed, whether it is the mortgagor's primary source of livelihood, whether the mortgagor has made all reasonable efforts to pay the debt, whether the mortgagee has attempted to make an arrangement with the mortgagor for the payment of the debt, whether the farm is or could be viable, and the need to preserve active farming operations.

While new measures such as farm loans at reasonable interest rates and adequate commodity prices including stabilization are essential for the long-term survival of many farmers, this legislation will keep many of them afloat until the other life-sustaining measures can be put in place.

NOTICE OF DISSATISFACTION

Mr. Speaker: Before proceeding with the business of the House, I beg to advise the House that pursuant to standing order 28, the member for Nickel Belt (Mr. Laughren) has given notice of his dissatisfaction with the answer to his question given by the Minister of Natural Resources concerning the maintenance of Ministry of Natural Resources aircraft at Sault Ste. Marie. This matter will be debated at 10:30 this evening.

ANSWERS TO QUESTIONS IN ORDERS AND NOTICES AND RESPONSE TO PETITION

Hon. Mr. Wells: Mr. Speaker, before the orders of the day, I want to table the answers to questions 540, 541, 544, 555, 589, 590, 591, the interim answer to question 592 and the response to a petition presented to the Legislature, sessional paper 255 [see Hansard for Friday, December 7].

BUSINESS OF THE HOUSE

Hon. Mr. Wells: Mr. Speaker, pursuant to the motion we have just passed, I would indicate to the House that the business for this afternoon is

continued consideration in committee of the whole on Bill 101, with votes to be stacked to 5:45 p.m.

This evening at eight o'clock we will deal with Bill 119 in committee of the whole House, followed by Bill 149. Then we will come back again to Bill 101, if more time is still needed, with the votes stacked to 10:15 p.m.

ORDERS OF THE DAY

House in committee of the whole.

WORKERS' COMPENSATION AMENDMENT ACT (continued)

Resuming consideration of Bill 101, An Act to amend the Workers' Compensation Act.

On section 11:

Hon. Mr. Ramsay: Mr. Chairman, there are two or three points I would like to make. First, I would like to clarify a response I made to the member for Dovercourt (Mr. Lupusella) during last Tuesday's debate on Bill 101 with respect to a survey of employers.

The honourable member suggested that a survey had been conducted containing a question—

Interjections.

Hon. Mr. Ramsay: I am having difficulty hearing myself.

Mr. Chairman: Order. As members are leaving the chamber, I wonder if they would do so quietly. The minister wants to be heard on these points. All the committee wants to hear.

Hon. Mr. Ramsay: I really do not think it is that important that I be heard, but—

Mr. Kerrio: Yes, it is.

Mr. Nixon: Oh, yes, it is.

Hon. Mr. Ramsay: I have trouble concentrating when—

Mr. Stokes: If you are going to take the trouble to say it, we want to be able to hear you.

Mr. Kerrio: If there were only one minister left over there, we would want it to be you.

Hon. Mr. Bernier: That is a nice touch. I like that. I agree with it 100 per cent.

Hon. Mr. Ramsay: Thank you.

Mr. Chairman: Order.

Hon. Mr. Ramsay: The member suggested a survey had been conducted containing a question related to the length of time of workers' compensation claims. In particular, he indicated employers had been asked whether they thought

the length of time of claims was too long, too short or all right. I indicated in response that no such survey had been conducted by either the board or the ministry.

I want to be clear, though, that what I had meant to indicate at the time was that no survey had been conducted by either the board or the ministry that addressed the precise question to which the member referred. In fact, as members are aware, it is the case that the board has periodically conducted surveys of employers. Indeed, one was conducted last spring and was the subject of a question by the member for York South (Mr. Rae) on April 18.

This is the most recent survey of employers conducted by the board of which I am aware. I reiterate, however, that there is no question in this survey to employers asking whether in their view the length in time of claims was too long or too short. I feel I might have misled the member in my response and I wanted to clarify that.

3:20 p.m.

There are just a couple of other points I would like to make quickly. I probably provoked a bit of an uproar in the Legislature on Tuesday when I indicated I was worried about the length of time this bill was taking. I want to be very clear, and I think Hansard will confirm this, although I have not had a chance to look at it, that I do not recall my comments as being critical of the honourable members. I was just expressing a personal concern that this bill be passed before the session is over.

I think it is a good bill. It is a good bill because of the consultation and debate we have had now for close to two and a half years at the committee stage, around a table, informal discussion, formal discussion and so on, with the injured workers, representatives of the Legislature, representatives of the private sectors and representatives of the medical community.

I should not say this, but I was going to say I do not think there is any other bill that has been looked at in such detail. Perhaps others have, but I am not aware of them, my experience being short in this Legislature.

Also, I would like to stress that we have considered very seriously the various points that were made by the members of the opposition in the committee stage, which as I said was an elongated committee stage. We have considered those very seriously, and we did come back into the House with some changes such as in the case of support for existing survivors.

We have listened and listened very carefully, but we have not accepted all the recommenda-

tions that have been made. We tried to maintain a healthy balance, a balance between the needs of the injured workers and the demands on the employers in an economy that is troubled.

I would not suggest at all for a moment that the members restrain themselves. I am prepared to sit here just as long as they wish. All I really was trying to ask the other day was that perhaps we all, myself included, could be a little less repetitious in our debate.

It was also requested of me on two or three occasions on Tuesday that I get up and respond to certain points that were being made. The procedure I had been following up until Tuesday was that usually at the end of the debate on any particular section if I did have anything to say—and I did frequently—I got up and made my comments at that time. I would like to continue that practice.

For that reason, I say to the member for Nickel Belt (Mr. Laughren), who had some points he was raising with respect to the covered earnings ceilings, I will be pleased to stand up and provide my comments after all the members have had an opportunity to make their points.

Mr. Lupusella: Mr. Chairman, with respect to the first statement about the survey I was referring to, I do not think there was any misunderstanding on my part, even though the question I emphasized was not drafted in the latest survey conducted by the board. The copy I have did not pay attention to the date, but there is a clear question that was raised, although maybe the minister and I are talking about two different surveys that have been conducted at different times by the Workers' Compensation Board.

I did not have time to go through the contents of my paper, but I can provide the contents of that survey to the minister and he will realize the question I raised was included in the survey I was talking about.

Mr. Laughren: Mr. Chairman, it is good to see you in the chair, because the last person who sat in that chair dealing with Bill 101 was the member for York Centre (Mr. Cousens) on Tuesday night when we had stacked some votes and were attempting to deal with them. I do not think I have ever seen such misuse of a chairman's powers as I saw that evening. If the member for York Centre continues to behave that way when he is in the chair, we are going to be a long time expediting the business of this bill. It was an outrageous performance. Those of us in this party felt insulted by his performance.

Mr. Chairman: I was not able to be here on that occasion, but perhaps the member could go to the debate.

Mr. Laughren: When we were debating this bill on Tuesday afternoon, we were on section 41 of the act, as set out in section 11 of the bill. The reason I was agitated on Tuesday afternoon was that, despite what the minister just finished saying now, when I finished making my comments on this section, I sat down and the minister did not rise to respond to the arguments I had been making on the whole question of the way benefits are calculated with a ceiling of \$31,500.

It was only because the minister indicated he was not going to respond that I continued to debate this section. I do not think we need to dwell on it much longer, because the minister indicated a few minutes ago that he intended to respond to this section.

I simply say I do not know how one can logically argue for any ceiling in the computation of injured workers' earnings. Surely to goodness, when a worker gets injured, there are three main purposes of the compensation system: the prevention of accidents, the maintenance of earnings and rehabilitation. If a worker gets hurt on the job and that worker earns \$25,000 a year, he will get 90 per cent of his net average earnings under this bill. If a worker earns \$35,000, he will get only 90 per cent of \$31,500 rather than a percentage of the net earnings based on \$35,000.

I have always felt injured workers should not pay a financial penalty for being injured on the job, yet here we have a double penalty. We are already penalizing everybody else by 10 per cent, and now we are going to bump up the financial penalty for workers who earn in excess of \$31,500.

People as committed to the work ethic as is this party do not do that. On the other hand, if the governing party in this province says, "You have to temper the work ethic with a financial penalty," then let its members stand in their places and say so. Let the Minister of Labour (Mr. Ramsay) stand in his place and say, "We do not think an unfettered work ethic is a good thing for Ontario, as it applies to workers who get hurt on the job."

This seems to me to be an incredible contradiction. The members of this party do not believe that. Because of our commitment to the work ethic, we believe that when someone is doing his job, working in a way society judges to be good, as opposed to not working, he should not be penalized that way. If he earns more than \$31,500, why would we put an increased penalty on him? Surely we have an adequate penalty with the 10 per cent. The logic of that completely escapes me.

I would have more understanding and respect for the Minister of Labour if he were to stand in his place and say, "We believe we must impose a penalty on people earning more than \$31,500"—for example, a bonus miner or a high steel construction worker—"because they have this kind of job"—perhaps a dangerous job; certainly one in which they must work very hard to earn that amount of money.

3:30 p.m.

If that is what the Minister of Labour believes, let him have the courage of his convictions to stand in his place and admit it. But he does not. What does he do? He said in the past, and again a couple of minutes ago, "At a time when the economy is troubled, we do not think we can move or do anything different."

Why is it that injured workers should have to take upon themselves the problems of a troubled economy? Surely they are not the élite in our society. Why pick on them and those who are working very hard and earning more than \$31,500? I know it is an improvement over the existing level—I understand that; it is better than the existing level—but that does not deal with the principle involved. What I would like to know from the minister is how he deals with the principle of an increased financial penalty on people who earn more than \$31,500 and who get injured.

Mr. Sweeney: Mr. Chairman, a few minutes ago when the minister rose to comment on the thrust of this act, he indicated that he and his colleagues have been attempting on the one hand to meet the legitimate needs of injured workers and on the other hand to be conscious of the financial impact on employers who have to pay the premiums.

I remind the minister that factor came up many times during our committee hearings this summer. The minister will remember that one of the counterproposals to the fixed figure in section 41 of the bill, entered by members of this party, was that we recognize the financial difficulties and have a phased-in change for this figure.

The proposal we made was that we begin with 175 per cent of the average industrial wage and that we increase that by 25 per cent a year until we meet the proposal of Dr. Weiler, until we reach the 250 per cent figure. That was proposed by Dr. Weiler and it was contained in the government's own white paper. We would be talking about three or four years down the road, at which point the ceiling would be phased out completely. That still appears to us to be a legitimate proposal, taking into consideration

both the needs of injured workers and the financial restrictions employers face at the present time.

The other point that was clearly drawn to the minister's attention was that we are not talking about a large number of people. We are talking in the neighbourhood of three, four or five per cent who would be in those higher figures. I do not know what the exact figure is, but it was clearly brought to our attention through the statistics presented by representatives of the board. Once one gets up into the figure mentioned in this bill, one is over the 90 per cent level of all injured workers. Therefore, we are talking about a small number of people. I cannot remember the exact translation into dollars, but we are not talking about a majority of injured workers; it is only a minority.

I still want to go on record as indicating that a fixed figure of this type is not fair; it is not the best way to go. The sliding scale we proposed once before is fairer to injured workers and employers, and it takes into consideration the proposals presented by both Dr. Weiler and the government itself through its white paper. We ask the minister to reconsider this fixed figure.

Hon. Mr. Ramsay: I would like to take a minute to explain our reasons for settling on the figure of \$31,500 as the new level of the covered earnings ceiling in Bill 101. As the members know, there has been a good deal of debate about this issue and it was fully canvassed in the standing committee. Nevertheless, I am happy to reiterate our basic rationale.

It should be remembered that Bill 101 represents the first phase of workers' compensation reform. This is to be followed by a comprehensive review of the permanent disability pension system and the various options for reforming that system, wage loss and others, that have been suggested over the past several years. In the context of this review, we will be prepared to give consideration to raising the covered earnings ceiling further.

In phase one, our concern was to introduce major structural and procedural changes while at the same time addressing several of the most critical benefit issues. This we have done in Bill 101. Additionally, however, we have been sensitive to the need to restrain, as much as possible, the cost increases for employers.

Economic recovery is fragile in many sectors, and as all members know, unemployment levels are still distressingly high. In our view, this is not the time to increase the costs of hiring and retaining workers beyond what is absolutely

necessary. Coupled with the general economic climate, we are also reluctant to burden employers further with workers' compensation costs at a time when there is an urgent need to address the unfunded liability of the board by significant assessment-rate increases.

The unfunded liability and the costs we have to pass along to employers to cover that is a very serious matter. This is not to say that the increase in the covered earnings ceiling in Bill 101 is insignificant. In fact, it represents a healthy increase of more than 17 per cent above the current level. Moreover, it brings Ontario into line with most other provinces. Only Newfoundland and Alberta would have significantly higher ceiling levels after the enactment of Bill 101.

The increased costs of the higher earnings ceiling are also significant. In fact, fully half of the costs of benefit increases under Bill 101 relate to this one provision. The increase to \$31,500 is estimated to cost an additional \$41 million annually or about four per cent of the current total cost of workers' compensation.

The figure of \$31,500 represents approximately 150 per cent of the average industrial wage. Our best estimates indicate that only 14 per cent of all Ontario workers, those at the top of the wage scale, would be less than fully covered by the workers' compensation system. The corresponding figure at present is 32 per cent and one can therefore see that a significant improvement is being made in this first phase of our reform process.

Mr. Chairman: Member for Nickel Belt, are we moving on? Is this again section 41?

Mr. Laughren: I was going to speak briefly to section 41. Is that in order, Mr. Chairman?

Mr. Chairman: Yes.

Mr. Laughren: I thank the minister for his response and for the numbers. I had forgotten them, quite frankly. I remember they were discussed in committee. What we are really doing is moving from having 32 per cent of injured workers subsidize the system to having only 14 per cent subsidize the system. We are saying we do not want one third of injured workers to subsidize their employers' costs of them getting injured on the job; we only want 14 per cent of injured workers to subsidize the employers' costs of compensating injured workers.

When you look at it that way, and I do not think it is an unreasonable way to look at it, it does put it in perspective. The only argument the minister has put has nothing to do with the principle of whether injured workers should pay twice, once for the injury and once financially.

He is simply going back to the old argument that the employers are paying enough. There is only one way to reduce the costs of compensation in a civilized way in this province and that is by reducing the number of injuries and industrial illnesses.

3:40 p.m.

Hon. Mr. Ramsay: Mr. Chairman, I apologize for being on my feet again, but both the first time and second time I got up, I meant to make an additional comment and both times I got caught up in the circumstances and neglected to do so.

When I was referring to my comments the other day that provoked a bit of a furore within the Legislature, I also wanted to mention that I contributed to that furore.

Mr. Laughren: The minister is the only one who was provoked.

Mr. McClellan: The minister created it; he was the sole cause.

Hon. Mr. Ramsay: I created it, I contributed to it; whatever. Whatever they wish to say, I accept.

All I am trying to say is that in the exchange I made a couple of comments to the member for Nickel Belt that in retrospect I regret making. I would like to stand in my place today and withdraw those comments.

Mr. Laughren: I have forgotten what they were.

Mr. Chairman: Is the member for Nickel Belt withdrawing anything?

Mr. Laughren: No.

Mr. Chairman: All those in favour of Mr. Lupusella's amendment to delete section 41 will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. McClellan: Mr. Chairman, when we are voting for the deletion of a section, normally we do not move a motion. Perhaps you could remind us when we come to the stacked vote.

Mr. Chairman: Fine. Thank you.

Mr. Lupusella moves the addition of subsection 42(7) as follows:

"(7) The levels of compensation shall be increased twice yearly by an amount equal to changes in the consumer price index in Ontario."

Mr. Lupusella: Mr. Chairman, I would like to make a few comments because I think this amendment addresses the basis of many of the complaints from injured workers who have

raised concerns over the years. I do not think the government had the decency to take into consideration such concerns, even though there was a long report by Professor Weiler and the standing committee on resources development reviewed the recommendations of Professor Weiler.

In a different debate, I told the minister that if we do not want to see injured workers meeting at Queen's Park and demonstrating against the unwillingness of the government to make changes in the Workers' Compensation Act, this kind of amendment to the legislation would be appropriate, because it takes into consideration the injustices of the system with which injured workers have been faced for so many years.

Therefore, I think it is imperative for us to show our concern for injured workers, to try to move forward so the levels of compensation will be increased twice a year to take into consideration the changes in the consumer price index in Ontario.

I want to remind honourable members that before 1975, the cost of living in certain instances was going up 100 per cent and injured workers did not receive any increase in the amount of money or pension or level of benefits they were receiving from the board. Therefore, it appears appropriate that the best economic indicator of how much the level of benefits should be increased for injured workers across the province is and should be the consumer price index in Ontario.

We know for a fact the way our injured workers have been treated for so many years in relation to the amounts of pensions and the meat chart, which has been opposed by injured workers since the inception of the act in 1914-15. We also know for a fact the way our injured workers are assessed on receiving the amounts of their pensions, which most of the time is unfair, and the bureaucratic process that injured workers are supposed to go through to get their pensions increased. The onus is on injured workers to demonstrate that their level or degree of disability is higher than what the board had previously assessed.

In the final analysis, injured workers will eventually succeed in having their pensions increased within the framework of the structure of the present act. This, as far as I am concerned, is a recognition on the part of the board that an injustice has been committed by the board or by the pension department. Therefore, I think it is appropriate that this economic indicator, the consumer price index, ends this type of injustice

which injured workers have been enduring for so many years.

The recommendations of the umbrella organizations of injured workers across the province to the standing committee on resources development, which was appointed by the government, made it very clear that this type of change would reflect the unfair realities that injured workers have been living with for so many years.

Again we are faced with the government's unwillingness to implement such requests, even though the Minister of Labour told us on several occasions that the injured workers' concern was taken into consideration. As far as I am concerned, their concern was not taken into consideration, even though we had a commitment from the Minister of Labour that in the months and years to come there would be adjustments to reflect the consumer price index in Ontario on top of the level of benefits that injured workers are already receiving.

The only thrust that moved the government to appoint Professor Weiler and to come out with the government white paper was all the injured workers who had been faced with old injuries and who protested the inefficiency of the system.

3:50 p.m.

The government responded to this concrete and real concern with a new type of legislation that will take into consideration new injuries by completely excluding the old injuries. The only mechanism that is not in place under Bill 101 is the fact that all injured workers, even workers injured in the past, can have an open option to be covered under Bill 101.

Based on estimates by my colleague the member for Nickel Belt, the old injured workers, of course, will end up being the losers if they decide to move into the new system. They will have to give up their pension. Their Canada pension plan benefit will be deducted in calculating the amount of money they are supposed to receive in the form of a supplement pension in cases where injured workers are able and available and willing to co-operate with the rehabilitation department of the board.

In all fairness, I do not think the government has responded to the needs of what we have seen through the years as the major concern affecting injured workers across Ontario: the old injuries, the degree of their pensions, and the meat chart, which injured workers favour having eliminated or updated because it is so archaic there is need for a change.

In the overall spectrum of changes, the government responded to the new realities of injured workers with Bill 101, which will take into consideration new injuries by excluding old injuries. With the greatest of respect, the Minister of Labour cannot defend his position or the position of the government. Through the years, they came out with the mechanism of legislative changes of increases equal to the amount of changes in the consumer price index in Ontario.

This type of discretionary power, if I can use that phrase, that was implemented by the Minister of Labour and by the government should be legislated in order that injured workers will get the benefit of an automatic increase without having to appear in front of Queen's Park and demonstrate the hardships they have experienced as a result of the increases in the consumer price index in Ontario.

If we are really serious about taking into consideration the needs of injured workers across Ontario, this is the only way that will reflect what appears to be a fair request; that is, by legislating their demands and having the Workers' Compensation Board every year or twice a year make the adjustment. The computers will be ready for the adjustment rather than the board being shocked each time an increase has to take place.

We are faced with the scenario of all the injuries for which justice has not yet been received from this government. We are faced with serious injuries. The workers see the board as an adversarial system because the law became inadequate as a result of the economic changes of our society and also of the rapid changes in the consumer price index in Ontario and across Canada.

We do not have any legislative mechanism to take such a reality into consideration, even though we have to admit that, from time to time, there is political pressure on the floor of this Legislature coming from our side or from other members interested in raising the issue of increasing the level of benefits on behalf of injured workers.

At any rate, because I am dealing with compensation which should be increased twice a year and because we do not have any automatic legislative mechanism in place, instead of raising the question during question period, I hope the minister will be kind enough to tell us when the new changes affecting the old injuries will take place. I understand these changes will be presented some time in the near future, but we do not have any time frame for the increase in

pensions for injured workers, which has nothing to do with Bill 101. I am talking about all injured workers covered under the old act.

I am convinced the government members will reject my amendment but I would feel better if the minister would give me the good news that the new changes will be introduced as soon as possible to take into consideration the needs of all injured workers covered by the old act.

Again, I want to test the sensitivity of the minister. We are not playing political games. We do not want to wait until a spring election is called, or for a ministerial or government statement that increases for injured workers will come when the election is over and when this Legislature resumes business. Let us get a clear statement from the minister now as to the time, the month and the year when these changes will be introduced in the Legislature.

As we stated several times, we do not feel injured workers across Ontario should feel the political pressure or political game of the government. I hope the Minister of Labour will take my comments into consideration and will make a ministerial statement to clear the air of any misunderstanding that might surround the changes affecting injured workers covered under the old act.

I am quite disappointed that the government rejected this particular motion during the clause-by-clause debate in the committee. It is an important amendment to the bill. I thought for a moment that the minister would come out with his own amendment to reflect our request, which is the consumer price index.

I am sure other members would like to participate in the course of this debate. Therefore, I am leaving the floor and I hope the members of this House will support my amendment.

Mr. Di Santo: Mr. Chairman, I would like to speak in support of the amendment introduced by my friend the member for Dovercourt. The reason I am in favour of it is very simple. If we look at this section, we will see that we are dealing with the minimum pension for injured workers who are totally disabled. The minimum pension for them will be not less than \$10,500 a year, which means that workers in this category are ones who have no recourse at all.

4 p.m.

We are dealing with workers who may have been injured many years ago. I know people who were injured 30 years ago. Those workers have been deprived of the right to work, but if they were working today they would be making a

decent salary. In many cases, we are dealing with skilled workers. They were trained in a special skill and today would be making salaries that would far exceed \$10,000 a year.

Because of the way the Workers' Compensation Act is structured, those workers are penalized. In fact, today they will receive a pension of \$10,500 a year. I think the least the government could do would be to introduce a mechanism that is automatic so that those workers would receive increases as the cost of living goes up.

Even though their pensions do not reflect, by any stretch of the imagination, the income they would make if they were able to, if they had not had an accident, they should not have to wait on the whim of a Minister of Labour as to whether he or she introduces an amendment to the act every year so that they have a meagre increase in their pensions.

I would like to bring to the attention of the minister that this mechanism exists for the Canada pension plan. I do not think it has created any disruption in the system or has increased the cost of the system to the point that it is breaking the finances of Canada.

I know that the reasoning behind the \$10,500 and behind the fact that the government does not want to introduce a mechanism to increase automatically the minimum pension for workers who are totally disabled is the same as the one the minister mentioned on the previous section. He said we cannot remove the ceilings because the employers cannot put up with such costs at a time when recovery is not proceeding the way we desire.

In regard to the workers who are injured, who are deprived of the possibility of having the decent income that they would have if they were not disabled, and who are deprived of the enjoyment of life, this means we are talking of totally disabled workers who have to pay another price to the economy, because this government thinks it is much easier to have the workers pay than to have the employers pay.

I know this is an ideological choice; it is clear cut. We reject it straightforwardly because it is against natural justice and against any common knowledge of what we consider fairness.

As a final argument I want to say that today, in 1984, the Social Planning Council of Metropolitan Toronto and the National Council of Welfare consider that \$13,700 is the level of poverty. This government is compensating totally disabled injured workers at below the level of poverty. Not only that, it does not even give them

hope that if prices drop they will receive a minimum increase commensurate to that.

I hope the minister has a second thought and accepts this amendment.

Mr. McClellan: Mr. Chairman, I have not participated in these debates for a few sections. I want to speak briefly on this section because I want the minister to understand how bitterly people have felt about the failure of this government to bring in an automatic cost-of-living adjustment mechanism for the Workers' Compensation Board.

I think back over the last nine years and over the period before I was elected when I was working with injured workers' organizations. I can say without any hesitation or qualification that the most bitter confrontations between injured workers and this Tory government have been on the issue of its failure to bring in annual cost-of-living increases.

There have not been any incidents in the last few years, thank goodness, but I can remember the mid-1970s when the current Minister of Education (Miss Stephenson) was the Minister of Labour. She allowed three full years to pass without a cost-of-living adjustment being brought before this assembly.

The injured workers in this province were so desperate and bitter that there were literally pitched battles outside the offices of the Ministry of Labour. I forget what year that was, 1977 or 1978. The record is there and it can be looked up.

That was an appalling set of circumstances. The injured workers were driven to such a state of desperation that there was literally violence at one of their demonstrations outside the offices of the Ministry of Labour.

The minister knows as well as I do that these are not violent people. These are hardworking family men who were driven beyond endurance by the callous actions of a government that seemed completely oblivious to the kind of suffering they were experiencing. If the minister is interested, the excuse used at the time was that the government had to study the size of the unfunded liability. I have forgotten the name of the company it hired.

Mr. Lupusella: Wyatt Co.

Mr. McClellan: Wyatt studied this matter for something like three years, during which time there was no legislated increase because of the so-called concern about the size of the unfunded liability.

Of course, in those days the unfunded liability was a fraction of what it is today. I think it was something like \$250 million at the time. I could

go on at great length and give a very learned discussion of the unfunded liability, as I have many times in the past to the delight of my colleagues, but I am not going to do that now. Seriously, I do not understand why the government does not bring in a cost-of-living mechanism for the Workers' Compensation Act.

Old age security has an annual adjustment mechanism; the Canada pension plan has an automatic adjustment factor. This is a social insurance program and it is entirely proper that a social insurance plan have an automatic cost-of-living adjustment mechanism. It is simply intolerable to continue to allow this question to be left to the whim of the government of the day. It is unfair, it is unjust and in the past it has provoked the most bitter and occasionally even violent reaction on the part of injured workers.

I would think the government would understand the depth of those feelings and would have moved a cost-of-living mechanism on this occasion when we have so many sections of the act open to us. I would like to ask the minister why on earth he has failed to do this. I would be grateful for his response.

Mr. Laughren: Mr. Chairman, I will be brief because I have just spoken. I would just urge you to hurry and do your bit so that we can get the United Way cookbook out on time before Christmas.

My other comment is to reinforce what the member for Bellwoods (Mr. McClellan) said. I recall that when dealing in the committee with the Workers' Compensation Board, the member for Bellwoods had to accept some severe reprimands from his own colleagues, including me, who teased him at great length because of his preoccupation with the unfunded liability. This is back when other people did not think it was a problem.

I think a lot of people now wish they had listened to the member for Bellwoods back in those days because it really has caused a problem and, of course, guess who is paying for the problems of the unfunded liability?

Mr. Lupusella: The injured workers.

Mr. Laughren: The injured workers, that is right, and the employers with higher assessments. It is not just the employers who benefited by having lower assessment rates.

As we heard in the committee hearings, there were years in which the benefits to the injured workers were going up and the assessments to employers were going down, and we wonder why there is an unfunded liability at the board. It was inevitable; so no one should be surprised.

There is an unfunded liability and no one should be wringing his hands about it, because those same people who benefited from the drop in assessment rates are the ones who should be making up the unfunded liability now.

4:10 p.m.

No one needs to shed tears at this point because I did not hear them cheering and shouting from the rooftops whenever their assessment went down. I did not hear them saying that and issuing press releases in that regard. I did not hear the Minister of Labour of the day—not this minister—standing in his place and saying, “This year the rates will be affected in such and such a way because we have been able to reduce the assessment rates on employers and so we can raise benefits for the employees.” I did not hear any such comment being made.

Everything was just done in those days. Now those misspent years are coming back to haunt them, the tears are being shed and injured workers are being asked to pay for the mistakes of the past, mistakes that had absolutely nothing to do with any mistakes the workers made. The fact that there is an unfunded liability is 100 per cent the fault of the Workers’ Compensation Board.

We know to whom the WCB reports. Besides the Employers’ Council on Workers’ Compensation, it reports to the Minister of Labour. That is why, when we on this side argue that certain things should be done, we have difficulty having much sympathy for the minister’s arguments on behalf of the employers of Ontario. We have little time for them, because this minister never stood in his place and admitted those mistakes were made between 1975 and 1984. I believe that was roughly the period of time, perhaps even a little before that.

When assessment rates on employers were dropping and benefits were going up, I did not hear the minister stand in his place and say: “It is true. If the assessment rates went up at the same rate as the benefits, we would not be in this jackpot today and we would not have to ask the injured workers of the province to subsidize their employers yet again.” That is why we on this side have little sympathy for the dilemma in which the WCB finds itself and why the Minister of Labour has such a difficult time justifying the continued regressive policies of his compensation board.

Mr. Lupusella: Mr. Chairman, I am not sure if my comments will be in order. I would like to make a few comments, not on my subsection, but on subsection 42(1), the government section of

Bill 101. Will there be a vote first and then may I make my comments on subsection 42(1)?

Mr. Chairman: It would be better if the committee members, and the member for Dovercourt in particular, concluded discussions on the subsection 7 amendment.

Mr. Lupusella: It is not a problem, but I hope there will be an understanding that I can go back to make a few statements on clauses 42(1)(a) and (b) and subsections 42(2) and (3) before the vote.

Mr. Chairman: Perhaps the member should proceed with them now.

Mr. Lupusella: I thought so, because when the vote takes place, the whole issue is in doubt.

In reviewing clauses 42(1)(a) and (b) and subsections 42(2) and (3), they talk about the minimum amount of compensation payable for temporary total disability. I thought it would be appropriate at this time to make a few statements in relation to that, even though our general position is that no ceiling should be imposed on the level of benefits because we are of the opinion that the income of injured workers should not be penalized as a result of injury.

The minimum amount of compensation payable for temporary total disability is \$10,500 per annum or the net average earnings of the worker at the time of the accident where the net average earnings are less than \$10,500 per annum. I think this is improper. In previous comments, I put forward my opposition to the amount described in clauses 42(1)(a) and (b). I would like to remind the minister that even though the ceiling will be increased in the future to whatever amount it is going to be—three per cent, six per cent or 12 per cent—so that the maximum will increase above \$31,500, the \$10,500 will cover injured workers who are not fortunate enough to make enough money because of the kinds of jobs they used to perform, low-paid jobs or jobs that are covered by the minimum wage only.

The new feature of the overall compensation situation is that so many injured workers will be faced with serious disabilities, and persons affected by serious disabilities should not be prevented from having decent pensions, a decent lump sum or a decent amount of money to cover the period when they are receiving temporary total disability.

This is the thrust of my comments. Workers paid the minimum wage who are affected by serious disabilities—and when I say “serious disabilities” I mean, for example, those in which people end up in a wheelchair or have legs or arms amputated as a result of serious accidents—because they were working for the minimum

wage, receive the minimum of \$10,500, while other people making more will eventually be covered by the ceiling of \$31,500. I think this is unfair.

So even though the government and the minister will introduce increases in the future that will reflect the increase in the cost of living, people working for the minimum wage across the province will be penalized, especially in cases where accidents result in serious disabilities. It is an unfair balance used by the government to pick up the minimum, which is \$10,500, when people will be living with serious disabilities for the rest of their lives.

Even though the minister was not moved by the arguments used previously, I hope that in the future, when the changes take place to cover either the new act, Bill 101, or the old act, this item will be reviewed by the minister and a different measure applied, especially for people working for the minimum wage.

I suggest that if there is a permanent or serious disability arising out of an accident, we should have a different measurement here in relation to the amount of money, one that will really reflect the pain and suffering of so many people who have been suffering as a result of serious disabilities. For example, a temporary total disability in relation to pain and suffering can be applied to everybody because for a short period of time the disability may be very serious.

I want to go beyond that scope. I am saying that when the temporary total disability is over and one gets into the issue of permanent disability awards, if the disability is really serious, I do not think we are treating these people justly in comparison to the people who used to make \$31,500 and are faced with the same type of disability. I will leave it to the minister to revise this item, because it will be of importance to so many people and to so many injured workers who will be covered under Bill 101.

4:20 p.m.

If we take a look back at the history of the Workers' Compensation Act, even today we can easily see that there were minimum amounts set up by the board under the power of the act for injured workers who were earning the minimum wage. When they were faced with a permanent disability award, they were penalized because of the amount of money they were earning at the time of the accident. In the final analysis, it meant that because of their earnings and the degree of their disability, their pension was really small but the eventual seriousness of the

disability was really high. I hope the minister will consider this comment and that action will be taken in the future to remedy this problem.

Hon. Mr. Ramsay: Mr. Chairman, a direct question was asked of me by the member for Dovercourt and there were comments from the member for Bellwoods. During my tenure as Minister of Labour, on a regular basis we have provided inflation adjustments to the Workers' Compensation Act on July 1. I do not see any reason why that will not continue as long as I am Minister of Labour. That is the only comment I had to make.

Mr. Martel: Mr. Chairman, I do not want to take a lot of time, but I can well recall we went for years around here trying to get the government to make adjustments when the pensions fell behind very dramatically. The minister is well aware of that. If we get a Scrooge in this minister's place, what do we do then? Can we bring the present Minister of Labour back and get him to put him in his place?

That is our concern over here. We recognize the minister has made the annual adjustment, but we do not know if that is policy because of this minister. To leave it just at ministerial discretion seems to me—

Mr. McClellan: What if the member for Oxford (Mr. Treleaven) were the minister?

Mr. Martel: Yes. It is really bothersome to leave it at ministerial discretion, because they might not have the compassion required to make the adjustments that are necessary.

Hon. Mr. Ramsay: Mr. Chairman, I hope I am not going, but the point I would make is that the question of regularly indexed adjustments is a part of phase 2 and will be studied in phase 2.

Mr. Chairman: Mr. Lupusella has moved the addition to section 11 of the bill of a new subsection 42(7) of the act.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Chairman: I understand there is an amendment to section 43 of the act.

Mr. Lupusella: Mr. Chairman, I could move my amendment first, but I would like to make a few comments on subsection 43(1). It is up to you to decide the best process.

Mr. Chairman: Mr. Lupusella moves that subsection 43(3) of the act as set out in section 11 of the bill be deleted.

Mr. Lupusella: Mr. Chairman, I have a few comments on subsection 43(1), which I think were part of the comments made by my colleague the member for Nickel Belt. He talked about the average earnings of a worker and what the board is supposed to do in relation to new accidents or recurrences.

On the issue of recurrences, there was no particular problem because the method used by the board was to take into consideration the earnings that were higher. However, in the case of a new accident, I think the minister confirmed that if the injured worker was making less and the accident was new, the board calculated the average earnings of the worker for the job he was performing at the time the new injury occurred.

We saw that process as a way of penalizing people. I do not think that is a fair way to determine the average earnings of a worker, especially after he has been injured once and has gone back to a different job because he was unable to perform the same job he used to do before the accident. He is faced with a new accident at a job that pays less in comparison to the first one. The board has to determine the average earnings of the worker at the same job, without really taking into consideration at the time of the second injury the fact that he could not perform the type of job he used to perform.

My concern was not taken into consideration by the minister. We had an opportunity to suggest a new way of resolving this situation. The minister and the members of the committee from the government side rejected our proposal. As well, we made a reference to the issue in our dissenting report. I hope that, either in phase 2 or in future amendments, the minister will review the constructive debates we had, in particular the comments of my colleague the member for Nickel Belt, and that eventually our concern will see legislation by new amendments.

This is one of the greatest problems affecting injured workers. After a certain period of time when the legislation has been implemented by the board, people will realize the loopholes that exist in the new law. That is why we have a parliamentary procedure to debate the law and to make recommendations and constructive criticisms on the law. In future, if the loopholes that have been brought to the attention of the minister are not covered, the whole implementation of Bill 101 will be in jeopardy and injured workers will manifest their opposition in the form of demonstrations.

4:30 p.m.

My colleague the member for Nickel Belt is a great believer in preventive medicine. He is a great believer in preventive measures that should be implemented or taken into consideration when a new law is enacted by this Legislature. He also believes, and I think members of this party believe, that if we want to make this place really relevant, the minister has to listen to the constructive criticisms that have been raised on different occasions. In the past I do not think the government was willing to change the law. It was not aware of the problems affecting injured workers because it did not spend enough time with injured workers.

Until the member for Nickel Belt was elected, the government was of the opinion, apart from seeing the demonstrations that took place once a year in front of Queen's Park, that the act was working properly. My colleague had spent a lot of time with injured workers and he brought all the loopholes in the old law to the attention of the government. They were completely shocked. They realized something very serious was affecting injured workers and they came out with the position that the law will be reviewed. They said the member's comments would be taken into consideration and action would be taken immediately. Now we have the position of the minister that phase 2 will come first and all the problems will disappear.

There are still problems, even though I realize there are marginal improvements in Bill 101. Subsection 43(1) will raise major problems. People will receive the amount of benefits from the Workers' Compensation Board at the time they are injured. In the past, the government came out with the figure of \$31,500, being extremely generous. Under clauses 43(1)(a) and (b), and subsection 43(2) eventually, injured workers will realize they are going to be set on a different scale of earnings and a different scale of benefits. That is when opposition to the law will come from injured workers to the government, because they will not be happy.

The fanfare about improving the benefits is good and \$31,500 sounds attractive. The minister maintains the position that it is an improvement to the present law, and nobody denies that; but let us find out how many people will be eligible for \$31,500 a year. How many people will be receiving the minimum of \$10,500, considering that in Ontario we are faced with 35 per cent of the total labour force receiving the minimum wage? We are faced with 35 per cent of the total labour force eventually receiving the minimum of \$10,500. If they are

faced with a serious accident, they will suffer for the rest of their lives. We hope any accident that occurs in Ontario will cause only temporary injury, not permanent injury.

I remind the minister once again that the law sounds attractive. He might see Bill 101 as an improvement. I have my reservations and I maintain my reservations, even though I realize that in certain instances there are marginal improvements under Bill 101. I hope all the loopholes contained in Bill 101 will be taken into consideration by the minister to cover these loopholes and give justice to injured workers, who really need justice from this government.

Mr. Di Santo: Mr. Chairman, I would like to put on the record that I have problems with subsection 43(1) of the act as set out in this section of the bill.

The minister knows that in determining the average income for the purposes of setting the benefits, we have had many cases—for instance, I can mention the workers at Ford in St. Thomas. Last year those workers had to make a very great number of appeals because layoffs were occurring quite often. As a result, their average earnings were much lower than in the 12 months preceding their accidents; thus their benefits were much lower and did not reflect the income they would have had if they had not been laid off.

The minister knows that if workers are receiving unemployment insurance benefits, those benefits will bring their income to a lower level; if an accident occurs, the benefits will be much lower. In effect, this means that in calculating the benefits, the act does not take into account the potential income; instead, it takes into account the average income, which always works against the workers who are in those circumstances.

I wonder why the minister cannot figure out a mechanism to put in the act whereby an injured worker would be compensated, not on the basis of the average but by giving him an option. In other words, if in the week before the accident or in the preceding 12 months the payroll time is much lower and thus does not reflect the average earnings of the workers in the same group, the worker should be deemed to have received the higher income and the benefits should be paid on the basis of those earnings.

I would like to make another brief observation on subsection 43(5), which is in relation to special expenses. It says, "Where the employer was accustomed to paying the worker a sum to cover any special expenses entailed on the worker by the nature of the employment, that

sum shall not be reckoned as part of the worker's earnings."

4:40 p.m.

This subsection wipes out a very large number of workers, and I can give the minister an example. Let us suppose a superintendent gets the use of an apartment because of his work in an apartment building and receives a lower wage since he gets the use of an apartment as part of his responsibilities. Should that worker have an accident, he will receive a much lower benefit as a result of this section, because the expenses incurred for the apartment are not considered part of his remuneration. This subsection will actually penalize workers such as those I have mentioned. I wonder whether the minister is willing to reconsider this subsection.

Mr. Laughren: On behalf of the minister, I would like to thank the elegant and eloquent member for Dovercourt for his remarks. I concur in everything he said, and accept the amendment. I know the minister has not been in the chamber as long as some of us, but those of us who have been here a little longer can recall the battles the member for Dovercourt fought on behalf of injured workers before he became elected. When he speaks in this chamber of injured workers, the minister could do himself and his government a lot of credit if he would accept without question any amendment put forth by the member for Dovercourt.

Mr. Chairman: We were following a practice where the minister was making the wrapup comments on the section or amendment. We were working towards that, were we not?

Mr. McClellan: This is not second reading debate. This is clause-by-clause. There is no such thing as wrapup comment.

Mr. Chairman: That is exactly so, but I thought we were trying to expedite this. I did hear that suggestion earlier.

Mr. Lupusella: I have an amendment to delete the proposed subsection 43(3) and I move such amendment.

Mr. McClellan: It has already been accepted by the minister, so we do not need to vote.

Mr. Lupusella: If it has been accepted by the minister, then I will move to a different amendment.

Mr. Chairman: Shall we put the question on subsection 43(3)? Mr. Lupusella has moved the deletion of the proposed subsection 43(3). Shall that section stand as part of the bill?

The proposal is for the deletion of subsection 43(3). Seeing you are proposing to delete it, I am asking, shall that stand as part of the bill?

All those in favour of Mr. Lupusella's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote stacked.

Mr. Chairman: The member for Dovercourt has another amendment.

Mr. Lupusella: I have an amendment on subsection 45(1), starting in the sixth line, to delete the words, "such impairment not exceeding in any case the like proportion of 90 per cent of"—

Mr. Mancini: Excuse me, Mr. Chairman, before I move—

Mr. Chairman: I wonder if I can just put the question from the chair first, unless the member has one earlier than that.

Mr. Mancini: Yes, I am sorry to interrupt.

Mr. Chairman: Do you have an amendment on an earlier section?

Mr. Mancini: Yes, on section 44.

Mr. Lupusella: I have not moved my amendment yet.

Mr. Chairman: We have not read your amendment to section 45 from the chair yet. The member for Essex South has an amendment to section 44.

Mr. Mancini: Mr. Chairman, I would like to comment on section 44.

Subsection 44(1) states: "The net average earnings of a worker shall be determined by the board by deducting from the earnings of a worker, (a) the probable income tax...;(b) the probable Canada pension plan premiums payable by the worker; and (c) the probable unemployment insurance premiums." Then we go on to subsection 44(2).

Perhaps we can ask the minister to help us out as to whether this is the right section. I am very concerned that after a time many injured workers lose their Canada pension plan benefits and pension benefits from private pensions because in some cases it takes 10 years, I believe, to have them vested.

I was wondering if we were going to address the situation where, after one year of injury has passed, the board will then start making payments on behalf of the injured worker for the upkeep of the Canada pension plan and, possibly, the private plan so it can become vested.

I have an amendment to section 44 which would create a new section, I believe.

Mr. Chairman: The chair does not have anything in writing at this point.

Mr. Mancini: Mr. Chairman, before I went through the formality of placing the motion and giving you a copy which I have here, I wanted an answer and an explanation from the minister as to whether that concern was somehow addressed in the bill. If not, I would like to move my amendment.

Hon. Mr. Ramsay: I believe it is addressed. If we can stand it down for a moment, I will get the exact spot.

Mr. Lupusella: As a short reply to section 44, I would like to remind the member—it will not be in defence of the minister because he is doing what the Liberal government did in 1984: he is penalizing injured workers, by having them declare the amount of their pension and then pay income taxes on that amount. This was in the 1984 budget brought down by Mr. Lalonde, the great Liberal member in Ottawa.

Therefore, they are to be blamed. We raised this particular concern in the past. When the minister and the chairman of the Workers' Compensation Board heard the news that injured workers would be penalized as a result of a particular law which was enacted in the federal budget, they were supposed to appear in Ottawa to launch their opposition to this penalty imposed on injured workers in Ontario.

The Progressive Conservative government is doing what the Liberal government did in its budget. It is penalizing injured workers because the probable Canada pension plan premiums and unemployment insurance premiums payable by the worker will be deducted in considering the net average earnings of a worker. The board has to determine the amount.

Again, we come to the same line. There is no difference between the Tories and the Liberals. The Liberals did it first, and the Tories are doing the same thing. Actually, the Tory government went even further than the Liberals did in their budget. It is unfair.

We are going to vote against section 44 anyway, so if the minister has a reply, I will sit until he gives an answer to the member.

Hon. Mr. Ramsay: I agree with the member. I think it is unfair too. But we will see.

Mr. McClellan: Why is Brian Mulroney doing it?

4:50 p.m.

Hon. Mr. Ramsay: I am not sure it is going to be done. I am really optimistic that we will have the matter straightened out.

Mr. McClellan: With the helpful contribution the minister is making, can I ask him whether he intends to make representations to the federal government on this bill?

Hon. Mr. Ramsay: Yes, I do.

Mr. Lupusella: He promised he would do it long ago.

Hon. Mr. Ramsay: In fact, I have the letter all ready. I have also called the office of Honourable Mr. Wilson and talked to him personally about it. I agree with the honourable member.

Mr. Lupusella: I think the latest report you gave us was that you were supposed to meet in July with someone and even the chairman of the board was supposed to appear and report his opposition to what the Liberals were doing in relation to injured workers.

Mr. Chairman: This exchange between the minister and the members has been helpful to the members, but we do have to get back to section 44.

Mr. Lupusella: It was also in July that the government changed the bill brought forward in May. Is the minister now delaying the process, or what?

Hon. Mr. Ramsay: I do not recall any commitments in July. If I made a commitment, I would have followed up. I did not make a commitment.

Mr. Mancini: On a point of order, Mr. Chairman: I do not believe my concern was answered by the minister. He got caught in a political wrangle with the member for Dovercourt a few minutes ago.

My comment to the minister was strictly about the Canada pension plan benefits into which workers with long-term disability might run.

Hon. Mr. Ramsay: I apologize to the member. I misled him; it is not addressed elsewhere in the act. The vesting of pensions and so on is the responsibility of the federal government through federal legislation and it is not covered in this act.

Mr. Mancini: Mr. Chairman, could I ask for unanimous consent to return to section 40 because I would like to propose a new subsection 40(4). If I am given the unanimous consent of the House, I have an amendment that will address the concern I have raised.

Mr. Chairman: Could the member help us with this? Is he speaking of subsection 40(4) or is

he talking about section 44? We certainly would have to have unanimous consent to reopen that section because we have dealt with the amendments and have moved on through sections 41 and 42. As you know, we are up to section 44.

Mr. Mancini: My apologies to the members of the House, Mr. Chairman. I had a municipal council down from the riding and we were having some meetings with senior officials of the government or I would have been here at the time to make the amendment. If unanimous consent is granted, I shall move my amendment; if not, I can understand.

Mr. Chairman: I think our problem is that section 40 was carried Tuesday night. Do you wish to ask for the committee's consent?

Mr. Mancini: On Tuesday night we got as far as subsection 40(3).

Mr. Chairman: That is true. That is the point I was making. I see; you want to deal with a new add-on to section 40.

It is in the hands of the committee. Do we have unanimous consent to return to a proposed amendment by the member for Essex South to section 40?

Hon. Mr. Ramsay: Mr. Chairman, if the two opposition parties wish to do that, I have no objection.

Mr. Chairman: Then I would say to the member for Essex South that we have consent.

Mr. Mancini: Thank you. I want to thank the members of the House for their co-operation.

Mr. Chairman: Mr. Mancini moves an amendment to section 11 of the bill, to add subsection 40(3), which reads as follows:

"Where the worker is in receipt of compensation for a temporary disability for a period greater than one year, weekly Canada pension plan contributions will be made on behalf of the worker of the difference between the average weekly employer and employee contributions on behalf of the worker before the injury and the amount of the employer-employee contributions, if any, being made in some suitable employment or business after the injury."

Mr. Mancini: Mr. Chairman, an injured worker on an extended period of temporary benefits will not have CPP benefits paid on his behalf and his pension entitlement will be reduced. An injured worker on an extended period of temporary benefits will not have contributions made to his employer's or union's group pension plan on his behalf and his pension will ultimately be reduced.

An injured worker on an extended period of temporary benefits, or whose injury forces him to leave his accident employer or former line of work, may not only lose the benefit of future contributions to a private employer-funded pension plan, but also may lose his entitlement to the benefit of contributions already made, if they have not been vested. In some situations, it takes as long as 10 years to become vested.

We have workers who have made regular contributions to the Canada pension plan and to the private pension plan. If these contributions are not continued and if the plan is not vested, the worker is not only penalized because of his injury, but also because he may have to seek new employment with a different employer. This in itself is a great penalty.

I believe trying to continue the pension plan benefits is very important for the worker. We have seen the employee who has his earnings—I will not say slashed—reduced because he either has no job or a different job when an injury occurs. I believe we should have some concern about the Canada pension plan and also about any private plan.

It would be sad if someone had paid into a private pension plan for seven, eight or nine years when a full 10 years was needed before vesting. All that money would be lost. Not only would it be lost, but the worker would be without any recourse to try to get the money back. It is a large pool of money and that pool is used to pay the pensions of other people who start to collect at a certain age, or whatever their contractual arrangements suggest.

I am moving this amendment because I am concerned for the future of the injured workers and because I believe it is necessary for this government to do something in the way of pension reform.

5 p.m.

Mr. Di Santo: Mr. Chairman, the amendment proposed by the member for Essex South is a step towards the position the New Democratic Party has been proposing. Although it is clearly insufficient, we support the idea. The member may remember I introduced a private member's bill in this regard. It provided that not only the workers who are on temporary total benefits, but also the workers who are on permanent partial disability should have a right to contribute to the Canada pension plan. We in the New Democratic Party think that workers should not be penalized because of an accident and that is what happens now.

There are many instances in which workers, especially those who are contributing to private plans, lose this right because of an accident. That does not happen only in the period of temporary total disability. In my personal experience, a situation has developed in which a worker who has a back injury on the job may be on total disability compensation for a protracted period of time. At a certain point, as we know the system now, and it does not change with this act, the worker is taken to the rehabilitation department. It usually happens that the rehabilitation department takes a number of months, and in some cases years, to come to the conclusion that the worker can go back to work.

In a very few cases, the worker can find a new job. In many of the cases that concern me and, I suppose, concern the member for Essex South, those workers are not able to go back to work. Despite that, they are unable to apply for Canada pension. They lost the right to apply, because during the previous 10 years they did not have five years of contributions because during the period they were on compensation they were unable to contribute to the Canada pension plan. We think that is an injustice.

Those workers are deprived of the right to go back to work. In fact, there is nothing in this act that provides the right to re-employment. Not only can they not contribute to their private pension plans but they also cannot receive Canada pension disability if they are considered disabled by the Canada pension plan.

Therefore, we support the amendment but, as I said at the beginning, we consider it quite inadequate. It is just a first step in the direction we have indicated in committee and in the Legislature.

The Acting Chairman (Mr. Barlow): All those in favour of the amendment will please say "aye."

All those opposed will say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Lupusella: Mr. Chairman, it is nice to see you back in business.

The Acting Chairman: It is a familiar spot for me to sit in.

Mr. Lupusella: I have an amendment to subsection 45(1) of the act as set out in section 11 of the bill.

Mr. Laughren: Mr. Chairman, had we completely disposed of section 44? I was not aware that we had carried section 44.

The Acting Chairman: I guess section 44 was stood down, was it not? All right, we will go back to section 44, then, if we can.

Mr. Laughren: Mr. Chairman, I want to say a couple of words on section 44, if I may. I wanted to register my unhappiness with clause 44(1)(b), which states that, in the computation of net average earnings, Canada pension plan premiums will be deducted from gross earnings. As I said in the committee, I believe this is double jeopardy.

If Canada pension is considered in some aspects of the worker's earnings, then the premiums should not be deducted from gross earnings when computing net earnings. I do not think you can have it both ways in this world—at least, I have always had trouble—and I do not see why the compensation board should have it both ways.

One cannot consider Canada pension plan earnings when computing benefits to workers while at the same time deducting Canada pension plan premiums from their gross earnings. That is why I believe clause 44(1)(b) is unfair to injured workers when one is computing their net average earnings to arrive at the 90 per cent of net.

The Acting Chairman: Shall section 44 of the act as set out in section 11 of the bill stand as part of the bill?

All those in favour will please say "aye."

All those opposed will please say "nay."

Mr. Laughren: We are opposed to it. Is that what you want to know?

The Acting Chairman: That is what I want to know.

In my opinion the ayes have it.

Vote stacked.

Mr. Chairman: Mr. Lupusella moves that subsection 45(1) of the act as set out in section 11 of the bill be amended by deleting the words starting in the sixth line, "such impairment not exceeding in any case the like proportion of 90 per cent of."

Mr. Lupusella: I do not have any brief notes to make because this item was debated previously. I think we should place the question.

Mr. Chairman: Mr. Lupusella has moved an amendment to subsection 45(1) of the act as set out in section 11 of the bill.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Chairman: Mr. Lupusella moves that the proposed subsection 45(4) of the act as set out in section 11 of the bill be amended by inserting in the third line, the words "with the agreement of the injured worker" before the words "the board shall."

5:10 p.m.

Mr. Lupusella: Subsection 45(4) talks about the lump sum payment. It appears that if we are dealing with a less than 10 per cent impairment of the earning capacity of the worker the board might decide to pay the amount in the form of a lump sum. We have had an opportunity to review the past practice of the board in relation to lump sum payments. Especially when dealing with the 10 per cent, the present practice is to pay it in the form of a lump sum.

It has to do with the supplementary pensions as well. Sometimes injured workers do not want the lump sum payment, even though the past and present practice of the board is to pay the total amount in the form of a lump sum.

The reason behind it is that the Workers' Compensation Board, by assessing the 10 per cent, is not considering the injured worker to be seriously affected by a permanent disability. The board thinks the degree of 10 per cent is a minor degree of disability and, therefore, the money should be paid in the form of a lump sum.

History has taught us that if an injured worker went through the appeal system and was eventually able to demonstrate that the degree of his disability was above the 10 per cent figure, which meant that the 10 per cent was already liquidated in the form of a lump sum, then as a form of the appeal system, the board recognized a two per cent disability award on top of the 10 per cent, and that two per cent was paid to the worker in the form of a lump sum. If the injured worker had not received the lump sum from the very beginning, now the total amount would be 12 per cent and not 10 per cent. I am using a conservative estimate of a two per cent increase on top of the 10 per cent.

For some time, injured workers got an extra five or 10 per cent because they were able to demonstrate from a medical point of view that their disability was not 10 per cent but that they were disabled in the range of 20 per cent.

The lump sum payment was always applied by the board for the benefit of the board per se. When an injured worker received a lump sum payment, he was not entitled to receive the benefit of future increases or the increases introduced by the Ministry of Labour in this Legislature. So the government was able to save

money. Even though it is complaining about the unfunded liability, injured workers have been paying the price of the unfunded liability in the form of these loopholes that save the board money and take it away from injured workers.

Therefore, I think our amendment is appropriate and rational, because with the approval of injured workers, the board has to decide whether or not a lump sum should be paid. The Workers' Compensation Board as a matter of policy, not as a matter of legislation that was contemplated in the old act, implemented a policy that was taking money away from injured workers when the increases took place by a form of legislative change.

It appears to be fair and just to give it back and to reverse this policy that was implemented by the board eight or nine years ago. We are of the opinion that the injured workers who received the 10 per cent lump sum payment deserve the increases that took place between 1975 and 1983.

I hope the minister will not legislate the 10 per cent impairment of earning capacity as a measure of whether an injured worker is really disabled and if he is entitled to supplementary pensions. The 10 per cent figure, as we read it in this particular section, gives the impression to the board and to the injured worker that his or her disability is not severe enough and therefore he or she should be paid in the form of a lump sum and eventually he or she will not be entitled to any supplementary pension.

I think our amendment is appropriate. It takes into consideration the principle of the lump sum per se and the 10 per cent which we are disputing because it gives the impression the disability of an injured worker is not severe enough. The 10 per cent figure should not be an indicator for the board that, because the disability is not severe enough, an injured worker should not be entitled to any supplementary pension when he or she is co-operating with the rehabilitation department.

Mr. Mancini: Mr. Chairman, I have a few comments on this amendment. We are going to support this amendment. I am not so sure we are going to support it for the reasons the member for Dovercourt mentioned. However, we do not dispute what he has said.

Mr. Laughren: In that case you should support it.

Mr. Mancini: I said we are supporting the amendment, but there are far more reasons to support the amendment—

Mr. Ruston: For wiser reasons.

Mr. Mancini: —or wiser reasons.

The matter of the 10 per cent is important. I do not believe we should put the employees of the board in a position—when they may be under a lot of pressure—of awarding eight, nine and 10 per cent and knowing, after they have done that, that a lump sum payment to the worker involved would automatically close his case and dispense with one more file. I have a problem with that. When we set targets, goals and quotas, we usually end up meeting those particular targets, goals and quotas.

The other problem I have with the 10 per cent is exactly what the member for Dovercourt said. A person may be assessed at 10 per cent today, but a year or two from now, because of an aggravation or further injury to the same part of the body or because of a worsening situation, the injury may be awarded at 15 per cent compensation. Just because a 10 per cent lump sum payment was awarded, I do not think that necessarily—and maybe the minister can correct this—prevents the board from reviewing a claim and assessing a further compensation to that particular claim.

What I like about the amendment is it gives the worker the choice. I know the member for Dovercourt and the member for Downsview (Mr. Di Santo) have had a lot of injured workers approach them about commutations—at least I have had—where they can use a 10 per cent lump sum payment to pay down the mortgage, if their income has been reduced, in order to meet their household demands. I have known of people who have used the lump sum payments to start up a small business or maybe move out of one area into another area of the province where the opportunity for job placement is easier. We need to be in a position to give the lump sum award if injured workers can make a case for it as they do now through commutations.

5:20 p.m.

For that reason and the two others I have mentioned, I find subsection 45(4) too rigid. I believe it will cause many appeals and administrative problems we really do not need. With the amendment that has been suggested, we are giving the injured worker the opportunity to say: "Yes, I will take my lump sum award the way you have offered it and I accept it. Thank you and goodbye." Or the worker can say, "No, I would rather have a fixed monthly pension I can count on every month for the rest of my life, or as long as this award lasts." In most cases, it is for the entire working career.

I do not know what the difficulty would be in allowing the person to have the choice. The

board could make the decision as to the amount of disability, as it will anyway under this section. They are going to offer the 10 per cent or less, as they would anyway. That will all be the way the minister wants it.

The only thing we are asking for is the opportunity for choice, because some people might not want the lump sum payment. For many different reasons, they may feel they just do not want the lump sum payment. They may feel insecure as to the future of the injury and what it means for them. If people have a choice, they will make the right choice for themselves and we will have a situation that will be better for all concerned.

Mr. McClellan: Mr. Chairman, I do not want to take a long time, but this is one of the issues that cause a tremendous amount of trouble and problems.

At one o'clock this afternoon, I was at an appeal of a case where a worker was rated in November 1983 at 10 per cent and subsequently his pension was adjusted to 20 per cent on the first round of his appeal. Now we have medical evidence in regard to the back injury that there is nerve root involvement as well as other complications and the pension is going to be adjusted again, probably to the vicinity of 30 per cent. -

Fortunately, there was not a lump sum payment in this case, and thank God for that. This worker is 63 years of age and now is on Canada pension plan disability benefits. With any luck, we will be able to get his pension up to something approaching 30 per cent. However, this man would be in serious trouble if he had been given a lump sum payment in November 1983, when the board's doctors all looked at him and said: "There is nothing really wrong with your back. You can go back to work. Here is 10 per cent. Get lost." If he had been given a lump sum then, he would never have been able to get a monthly pension commensurate with the extent of his disabilities.

It is a tremendously dangerous mistake for the board to give lump sum payments when the initial rating decisions are 10 per cent or less. It is based on an assumption of infallibility on the part of the board's medical rating procedures, which has been proved simply not to be there.

In many instances, with many kinds of disabilities, the board is completely unable to determine the long-term effects of an injury in the first instance. That is why there are so many opportunities for review, re-review, appeal at claims adjudication, appeal at claims review, appeal at appeals adjudication, appeal at the

appeals board and, at each stage, an opportunity for further medical examination.

At least that reflects the reality that it is very difficult to determine what the final pension level is going to be for many types of injuries. When the board gives itself the arbitrary power to decide in the first instance whether it will commute the pension in the form of a lump sum payment instead of giving a regular permanent partial disability award in the form of a monthly pension, it leads to tremendous problems for injured workers down the road.

This is one of the things that cause the most bitter kind of frustration on the part of injured workers. Members can talk to injured workers who were given a 10 per cent lump sum payment 10 or 15 years ago and now find their injuries were more serious than the doctors understood at the time. There is no way they can obtain a regular pension to compensate them for the nature and degree of the injury. That is what it is all about. It is a serious mistake to enshrine that policy in the act. The minister should accept this amendment. It is a good amendment. It gives the worker the opportunity to say "yes" or "no."

I really hope the minister will take a second look at this, because it is the same kind of thing. This is one of those issues that have produced the most severe kinds of problems in my own constituency office, and there is no way of solving them. Once the board makes that mistake in the first instance, there is no way of solving it. You cannot pay back a pension that has been commuted by way of a lump sum and restore regular periodic payments. It is a mistake that is irreversible and it is a mistake that is very likely to happen in many cases.

I think the course of wisdom would be to accept this amendment.

Mr. Di Santo: Mr. Chairman, I cannot force the minister to answer.

Mr. McClellan: No. He has an answer.

Mr. Di Santo: Is the minister going to answer?

Hon. Mr. Ramsay: When the honourable member is through.

Mr. McClellan: This is a debate; this is not second reading.

Mr. Di Santo: Okay. Go ahead.

Hon. Mr. Ramsay: I was just trying to be polite to him, that is all.

Mr. Di Santo: I want to be polite to the minister. He can go ahead.

Hon. Mr. Ramsay: Mr. Chairman, the member for Downsview got up before I did,

although I was attempting to get up, and he was recognized by the chair. I was trying to show a little bit of respect for the honourable member.

Mr. Chairman: With all due respect to members, we were following that, and I think the minister referred to it earlier. It is a courtesy on his part. He thought he would let the members have their comments and then make his response at the end, because he was being criticized for having missed making comments on some sections. Anyway, we are in the hands of the committee.

Hon. Mr. Ramsay: There are two points here. This is my understanding from the board officials. First of all, claims can be reviewed at any time, even if a lump sum has been paid. The claim can again be reviewed for a greater pension at a later date. That is what I am told.

Mr. McClellan: That is not accurate.

Hon. Mr. Ramsay: That is what I am told, and I have it in writing here.

Mr. McClellan: You cannot get the 10 per cent back. That is the point.

Hon. Mr. Ramsay: No. You cannot get the 10 per cent back, but you can be reviewed for another pension.

Interjections.

Hon. Mr. Ramsay: Let me just finish, please.

In any case where deterioration of the worker's condition is likely, lump sums are not awarded.

Mr. Di Santo: I do not think the minister understands what we are discussing. Of course the claims can be reviewed, but what the member for Bellwoods tried to bring to the minister's attention was that when you have the case of an injured worker with a back injury who is rated at 10 per cent, you put that worker in the most untenable situation because if his claim is reviewed and he is given a further 10 per cent, then what do you give him, another lump sum?

If that happens, we are saying it deprives that worker of the right to receive monthly payments that reflect his disability. The reason this section, which in my opinion is very offensive, is part of this bill is that it is a money-saving bill for the Workers' Compensation Board. This bill has nothing to do with fairness and justice for the injured worker.

In fact, this section says the board shall pay a lump sum unless the board thinks a lump sum is not to the advantage of the worker. Why should the board have the power to determine what is to the advantage of the worker while the worker himself should not decide whether it is to his advantage to receive a lump sum? Is a worker not

capable of making a judgement as to what is in his interest? Is it only bureaucrats at the board who can make a judgement whether it is to his advantage to give him a lump sum payment?

Can the minister justify that? Can he tell this committee why he thinks accepting this agreement would subvert the process at the board? Why can he not accept the worker saying, "I want a lump sum because it is in my interest"? Why should it be only the board that determines what is to the worker's advantage?

5:30 p.m.

Hon. Mr. Ramsay: I will try again. I feel badly that I am obviously missing a point, but on the other hand I am not sure that I am.

Let me try to explain my understanding of it. Let us use a couple of examples. A worker has received a 10 per cent lump sum. He comes back later and his injury is reassessed at 15 per cent. He would now get a five per cent lump sum. However, if his injury is now assessed at 30 per cent, he would get a 20 per cent pension. That is the way I understand it.

The other point I would like to make is that it is my understanding that rarely in the case of back injuries, for example, do they ever give a lump sum. Back injuries are liable to deteriorate; so they do not give a lump sum in the case of back injuries.

I am sorry that I cannot get the additional point the member is attempting to make.

Mr. Lupusella: Mr. Chairman, I am going to give the additional point. I hope it will be clear and eventually the minister will change his mind.

Hon. Mr. Ramsay: My friend is not suggesting that the member for Downsview is not being clear?

Mr. Lupusella: The minister is going to hear from the member for Nickel Belt as well. If the issue is not clear, he will clarify it further for the minister and even for the Minister of Natural Resources (Mr. Pope).

We are against the straightforward principle that an injured worker has to receive a lump sum as a result of a pension based on the principle of 10 per cent. I will tell the minister why we are against it. For the board or the pension department, the 10 per cent figure is an indication that the injured worker is not faced with a serious disability. We are against the principle of the 10 per cent and that, as the result of the 10 per cent, a lump sum must be given to an injured worker because there is a reading within the 10 per cent figure that the disability is not high enough.

There is no misunderstanding in stating this principle. The minister might disagree with it.

The second point we would like to bring to the minister's attention is that after the first lump sum has been given to an injured worker as a result of a 10 per cent disability pension, the minister might introduce legislative changes to increase an injured worker's pension by eight per cent, and as a result of a policy that has been in existence for eight years, the injured worker who got the lump sum payment based on the principle of 10 per cent will not be eligible for the increase. We are against that.

Another reason is that the minister does not give the injured worker the opportunity to decide whether he or she wants the lump sum. We are against that because a widespread power is given to the board to judge the situation. In some instances, the board might not give the lump sum because the person gets drunk or plays cards and might lose the money; I do not know. However, the board eventually might decide in such instances that the lump sum is not appropriate. We want the injured worker's consent before the board decides to give a lump sum.

The other point that must be emphasized is that we agree with the minister that if the physical conditions deteriorate, the person will be recalled by the pension department for a further assessment; there is no disagreement on that. Again, however, the board might calculate another 10 per cent and he might receive another lump sum on the 10 per cent issue. If the minister introduces legislative changes, the person will lose perhaps nine per cent from the first 10 per cent and another 15 per cent increase as a result of the legislative changes. He is losing money and the board is making money at the expense of the injured workers.

For all those reasons, we are against the section as it stands. I hope the minister will approve our amendment.

Mr. Laughren: Mr. Chairman, I hope the minister understands that the member for Dovercourt's amendment simply inserts the words "with the agreement of the injured worker." It does not say the board may not or must not commute a pension of 10 per cent or less. It makes no reference to the powers of the board at all except to say that it must consult with and have the agreement of the worker before the board does this to the worker's pension.

The board has always argued, and the minister has bought the argument, that the pension belongs to the worker and that the worker has a proprietary right to the pension but does not have

a right to that commuted to cash. That is the argument the board members have always put whenever we have engaged them in debate before one of the standing committees. They argue the pension belongs to the worker but a commutation does not. The reason for that is that not one of us is so naïve as to think it is not in the best interest of the board not to commute above 10 per cent. We understand that money invested, even at the prime rate, would return to the board more than it is paying out in monthly payments. Invariably, it is in the best interest of the board not to commute and it does not commute.

It is very difficult to get a commutation at the board except when the administrative costs are exceeding the return on investment of a pension that is not commuted; that is where the board makes its decision, and that has shaken down to mean 10 per cent. The board has it both ways; it will not commute above 10 per cent except in extreme cases, and it arbitrarily decides it will commute below 10 per cent.

How can the minister sit there and accept this as the right of the Workers' Compensation Board in Ontario? If my colleague the member for Dovercourt had changed this wording from 10 per cent to 11 or nine, I do not know what the minister would do because he would have difficulty explaining the difference between 10 and nine and 10 and 11 vis-à-vis a pension. It is obviously an arbitrary figure, except it may not be as arbitrary as I used to think. When I think of the administrative-cost line crossing the return-on-investment line, perhaps it is not as arbitrary as some might think.

All we are saying to the minister is, why not have an agreement with the injured worker? We did not say all commutations should be negotiated with the injured workers. That is what I believe, but I know the minister would never accept that amendment. We did not put it in the amendment, although I and most of my colleagues believe that is the civilized way. We know we cannot get that through this chamber; so the member for Dovercourt moved a very reasonable amendment that simply says "with the agreement of the injured worker" on commutations of 10 per cent and under.

5:40 p.m.

What is unreasonable about that? For example, if a worker came to me with a back injury and had 10 per cent, nine per cent or eight per cent, I would advise that worker not to take that commutation, to tell the board not to commute. Now that worker has no choice. On the other hand, if someone had lost the end of a

finger or something like that and had a pension of eight or nine per cent, I would probably advise the worker to take the commutation.

All we are asking is that there be the agreement of the injured worker. I suspect most of them will take it, but I do not think I would personally advise them to if they had back problems. I do not know whether this caucus has made its point with the minister; we have made our point, but I am not sure whether it has sunk in. Before we engage any further in this debate, perhaps we should wait and see whether the minister has seen the light.

Hon. Mr. Ramsay: Mr. Chairman, may I ask a question of the honourable members? Was this brought up during the committee hearings? Was it discussed?

Mr. Lupusella: Yes.

Hon. Mr. Ramsay: I must have been absent that day because it is all very new to me.

Mr. Laughren: Is that the minister's answer?

Hon. Mr. Ramsay: I make the point that this is new to me and I am not going to make a snap decision. I will not accept the amendment.

Mr. McClellan: Can we stand this down?

Mr. Chairman: One at a time, please, members. I think the member for Nickel Belt was continuing his thoughts.

Mr. Laughren: Since the minister has no sense of adventure in exploring new ground on the floor of the Legislature, will he consider standing down this section? We are not going to finish this debate this afternoon, obviously. Will he consider standing this down to give him time to think about it?

Hon. Mr. Ramsay: Certainly, I would be happy to stand it down to look at it.

Mr. Chairman: It has been proposed that we stand down subsection 45(4).

Mr. Lupusella: With your permission, Mr. Chairman, I have another amendment.

Mr. Chairman: Mr. Lupusella moves the proposed subsection 45(5) be amended by replacing the word "may" with the word "shall" in the fourth and fifth lines.

Mr. Lupusella: I think subsection 45(5) has detrimental effects that are worse than the previous ones. I am not planning to talk for an hour, even though I am inclined to talk for three hours about this particular subsection. We are talking about the wellbeing of an injured worker who goes to the rehabilitation department to seek assistance in being rehabilitated, and would, therefore, be excluded from receiving the supplementary pension.

Another strong and effective discretionary power is being given to the board even though the board realizes that if the injured worker is in a certain condition, the board shall give the benefit to the injured worker. I will be more specific. Subsection 45(5) now reads:

"Notwithstanding subsection 1, where the impairment of the earning capacity of the worker is significantly greater than is usual for the nature and degree of the injury, the board may"—this is the word that is offending us—"supplement the amount awarded for permanent partial disability for such period as the board may"—that word again—"fix unless the worker, (a) fails to co-operate" or to be available for a lighter job.

There is a clear-cut case when the injured worker is recognized by the board and the impairment of the earning capacity of the worker is significantly greater than is usual for the nature and degree of the injury. Then there is a discretionary power within the principle and content because of the word "may." The board may refuse to give a supplementary pension to an injured worker.

We stated our case very clearly at the committee stage. We were trying to convince the minister to change his mind. He was not flexible about it, nor was he sensitive to the issue that because of the word "may" the board will again have the discretionary power to exclude an injured worker from receiving a supplementary pension. Even if the injured worker co-operates and is available for the vocational rehabilitation program of the Workers' Compensation Board, because of the use of the word "may" the board will have the power to exclude the injured worker from receiving the supplementary pension.

It is unfair. This discretionary power is offensive to injured workers and the minister should change his mind.

Mr. Chairman: We have an agreement by which we must abide. Would the honourable members agree to including this in the vote? The critic nods yes.

5:55 p.m.

On section 11:

The committee divided on Mr. Mancini's amendment to section 40 of the act, which was negative on the following vote:

Ayes 33; nays 42.

The committee divided on whether section 41 of the act should stand as part of the bill, which was agreed to on the same vote reversed.

The committee divided on Mr. Lupusella's amendment to section 42 of the act, which was negative on the following vote:

Ayes 16; nays 59.

The committee divided on whether subsection 43(3) of the act should stand as part of the bill, which was agreed to on the same vote reversed.

The committee divided on whether section 44 of the act should stand as part of the bill, which was agreed to on the following vote:

Ayes 42; nays 33.

The committee divided on Mr. Lupusella's amendment to subsection 45(1) of the act, which was negatived on the following vote:

Ayes 16; nays 59.

The House recessed at 6 p.m.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 6, 1984

The House resumed at 8 p.m.

House in committee of the whole.

EDUCATION AMENDMENT ACT

Consideration of Bill 119, An Act to amend the Education Act.

Mr. Chairman: Are there any comments, questions or amendments through to section 5?

Sections 1 to 5, inclusive, agreed to.

On section 6:

Mr. Chairman: Hon. Miss Stephenson moves that section 6 be amended by adding thereto the following subsection:

"(2) Subsection 59(9) of the said act is amended by striking out 'and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection (3) or the boundaries of one or more county or district municipalities within the school division' are altered or are to be altered effective on or before the first day of January next following the election' in the 26th to the 32nd lines."

and that subsection (2) be renumbered accordingly.

Mr. Allen: Mr. Chairman, I do not understand why the last line is included in the subsection. It looks to me as though that is an instruction as to the number of lines between which this section is to be added. That does not seem to follow. The quotation ends with the word "election," so what does the last line mean? That confused me.

Hon. Miss Stephenson: That is the amendment.

Mr. Chairman: The minister could probably help you. It is her own wording.

Hon. Miss Stephenson: The amendment is that portion within quotation marks in the 26th to the 32nd lines of the act.

The rationale for this proposal is to try to bring the Education Act into closer line with the Municipal Elections Act now that the school board elections will be at three-year intervals.

I am not convinced it is an absolute necessity that this amendment be included, but I think it will clarify the act for the purposes of those who will be reading it.

Motion agreed to.

Section 6, as amended, agreed to.

Sections 7 to 10, inclusive, agreed to.

On section 11:

Mr. Chairman: Hon. Miss Stephenson moves that section 11 of the bill be struck out and the following substituted therefor:

"11(1) Subsection 158(1) of the said act is amended by inserting after 'and' in the sixth line 'subject to subsection (1b).'

"(2) Section 158 of the said act, as amended by the Statutes of Ontario, 1982, chapter 32, section 42, is further amended by adding thereto the following subsection:

"(1b) Where, pursuant to a collective agreement, or a policy of the board, an employee to whom subsection (1) applies has elected to accept a reduction in employment from full-time to part-time employment in respect of one or more years or school years, as the case may be, including the year or school year immediately preceding his termination of employment by reason of retirement, the limitation upon the amount of the gratuity payable under subsection (1) does not apply to the employee and, in lieu thereof, the maximum amount receivable by the employee shall not be in excess of an amount equal to one half of the full-time annual rate of the earnings received by the employee for the last complete year or school year, as the case may be, in which the employee was employed by the board."

Mr. Bradley: Mr. Chairman, this particular amendment was probably the greatest bone of contention in the committee proceedings that took place on this section of the bill, section 11. The Ontario Teachers' Federation was quite pleased with the original that appeared before us because it addressed the problems for two specific sets of people. Some concern was expressed by the Association of Large School Boards in Ontario and perhaps by other trustees, but the only group of trustees I recall making representations at the committee was the group representing the large school boards in Ontario.

As I understand it, this attempts to address a problem in the original act. There is a problem with part-time people, those in their last couple

of years who chose to teach half time, two-thirds time or one-third time, as many people decide to do in their latter years. With a reduced work load, they still maintain a foot in the education profession, if one can say that, while at the same time work sharing or providing an opportunity for others to be involved in education. As I understood it, under the legislation as it existed, there would be a problem with pension benefits.

8:10 p.m.

In an attempt to address this, the Ministry of Education included the following version of section 11 in the original Bill 119:

"Subsection 158(1) of the said act is repealed and the following substituted therefor:"

"A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof provided that on the termination of his employment no employee is entitled to more than an amount equal to his salary, wages or other remuneration for one half the number of days standing to his credit and in any event not in excess of an amount equal to one half of the full-time annual rate of the earnings received by the employee."

Under that are clauses (a) and (b) which state:

"(a) in the case of a person employed as a supervisory officer, under a teacher's contract or as an occasional or a temporary teacher, for the last complete school year in which the employee was employed by the board; or

"(b) in the case of a person other than a person described in clause (a), for the last 12 months during which the employee was employed by the board."

This provision was quite acceptable to the Ontario Teachers' Federation, which wanted to address the problems confronted by two different groups of people. The first group is comprised of those people who chose to become involved in work sharing—I suppose "work sharing" is the phrase we would use today.

The second group of people that had to be addressed through this bill is made up of long-time part-time service employees in the teaching profession. There are many people who for a large number of years have decided it would be best to teach on a part-time basis and they did so.

We indicated to the minister that the Association of Large School Boards in Ontario had shown a willingness or desire to be heard in committee. Some representatives of ALSBO indicated a lack of satisfaction with the degree of consultation that had taken place. The minister

disagreed that it was necessarily lacking, but ALSBO persisted in stating its case.

We went to committee and had representations from both the Ontario Teachers' Federation and ALSBO, and we attempted to reach a compromise.

As far as the Ontario Teachers' Federation is concerned, with the amendment that appears before us this evening we have solved the problem for only one group of people. That group is made up of those people who have decided to become involved in work sharing, usually in their latter years of teaching, including the year immediately preceding their retirement.

It would be desirable from the teacher's point of view to allow boards to have the flexibility to deal with long-time part-time service employees. If the minister were prepared to go with what she originally had in the bill, she would certainly have the acquiescence of those of us in the official opposition. If she saw fit to say, "I have decided Bill 119, as we see it, is fine and we will proceed in that direction," she would certainly have the support of the critic for the Ontario Liberal Party.

However, what she has here is what is described in politics and other things as half a loaf, which many people consider to be far better than no loaf at all. When playing poker, if that is what we are doing this evening, one hates to reveal the cards one has to play, but given my druthers, I would prefer the original in the bill. I say the minister was wise in the original section 11 of the bill.

If she felt she has had a conversion on the way to—

Mr. Conway: York Mills.

Hon. Miss Stephenson: Damascus.

Mr. Bradley: No, York Mills; I wanted to make sure it was not Don Mills—and feels this is better, I guess if we have to accept this or nothing, we would accept this. If she changes her mind, I would not tell anybody in Ontario that she had changed her mind and gone back to the original section 11, which might well be superior in that it allows the maximum flexibility.

I intend to support this amendment if the minister does not decide to go back to the original section 11. If she decides to go back to section 11, I will support that. I am being very acquiescent, very co-operative and very jovial this evening.

Mr. Conway: One wonders why.

Mr. Allen: Mr. Chairman, in this blinding light one sometimes thinks one might well be

experiencing some kind of conversion setting. I think it is already converting my head from a relatively stable state to one that is rather agitated and getting somewhat painful.

If those circumstances are not playing upon the minister in the fashion my colleague the member for St. Catharines (Mr. Bradley) mentioned, I am certainly prepared to take what is offered here. It has been the section around which most recent negotiation has taken place, at least since the bill was presented to us.

I would much rather the minister had managed to devise a scheme whereby the longer-term part-time employees who opted to work in that fashion, not under the policy of the board and not under a collective agreement determined by those considerations, would have fallen heir to the same generous treatment with respect to those gratuities.

None the less, that not being the case, I am happy those being considered by this new section are at least getting the benefit it provides them. Without any further ado, I will say that I and my party wish to support this amendment.

Hon. Miss Stephenson: I am delighted to hear the remarks of the two critics. I am also somewhat bemused, because there might not have been the necessity to hold the hearings in committee had it not been that the Association of Large School Boards in Ontario was somewhat concerned specifically about this section of the bill.

I must tell the members that ALSBO is apparently very pleased with the amendment that has been drafted. It feels it meets the original intent, which was to ensure that although reasonably equal treatment would be assigned, the same kind of benefit would not accrue to the individual who had never taught full-time, but had always chosen to teach part-time, as that which accrues to the individual who manages to teach full-time.

Therefore, I feel strongly that it is the appropriate thing. We may not have solved all the problems, but I think we have solved one very significant problem and we have provided the kind of framework within which the other problems can be solved. I think we should support the amendment as it is presented this evening.

Motion agreed to.

Section 11, as amended, agreed to.

Sections 12 to 14, inclusive, agreed to.

On section 15:

Mr. Chairman: Hon. Miss Stephenson moves that section 215 of the act, as amended by section 15 of the bill, be further amended by adding thereto the following subsection:

"(11) The council of a municipality that is required by subsections 1 to 10 to pay an instalment on a date that falls on a Saturday, a Sunday or any other day on which the offices of the boards are not open for business shall comply with subsection 9 on the day on which the offices of the board are open for business next preceding the instalment due date."

Mr. Bradley: I would contend to the minister that ALSBO was as interested in this section as it was in section 11, the reason being that this deals with money.

There is a long-time quarrel between boards of education and municipal councils. I can recall working for one and being on another and wrestling with that quarrel was often difficult. In those days, nobody even talked about conflicts of interest. Nowadays, one has to declare all these conflicts.

There is a problem in terms of the delivery of funds to boards of education. The Minister of Education (Miss Stephenson) retains funds as long as possible. Of course, she will explain that is because of the fiscal year being different for a board of education and for the Ontario government.

Just as the minister is stingy in the early months of the year in providing funds to boards of education, so municipalities are reluctant to give up the money to boards of education until the last possible possible moment. At least, that is the case with some municipalities; others are a little more flexible.

It seems to me that this section, including this amendment, is designed to alleviate some of those concerns for the boards of education. It is a positive move so that the boards will have those moneys in their hands. I certainly speak in favour of this amendment, and I will support it.

8:20 p.m.

Mr. Allen: Mr. Chairman, without wanting to prolong the debate on this section, I simply want to note our concern that this amendment does not fully address the problems that school boards have had with municipalities over the years concerning timely transfers of moneys to give them some advantage from the interest that those tax moneys accumulate when they are stored in a deposit in a bank, which from a school board's point of view could obviously be used most expeditiously and effectively for schooling purposes.

None the less, it is an amendment that does at least regulate those transfers somewhat more effectively, and in that respect my party and I are certainly quite prepared to support the minister's amendment.

Hon. Miss Stephenson: Mr. Chairman, there are continuing problems with transfers of funds to school boards, which relate to the concern of boards that they would like them to be delivered more regularly than they are at the present time.

If the day ever comes when the collection of taxes is regulated entirely throughout the province in every single jurisdiction—in every county, every township and every municipality—in a way that will ensure regular collections on the first of every month, then I suppose it will be feasible to transfer funds to the school boards on the second of every month. But since there is great variety in the ways that municipalities collect taxes there must be some flexibility, although we have regulated some of that away already in the delivery of those funds to school boards.

This simply ensures that the municipality does not reap the benefit of retaining the funds for an extra four or five days simply because the date of delivery of funds is on a holiday, a Saturday or a Sunday. Some reasonable amounts of money thereby accrue to the municipality as a result of the interest collection in the bank before it transfers the funds. We are making sure that if there is to be any interest collection, it is for the school boards to benefit from it. I am delighted the members are going to support this amendment.

Motion agreed to.

Section 15, as amended, agreed to.

Section 16 agreed to.

On section 17:

Mr. Chairman: Hon. Miss Stephenson moves that clause 258(4)(b) of the act, as set out in section 17 of the bill, be amended by inserting, after "transportation" in the first line, the phrase "in a manner determined by the board."

Mr. Bradley: Mr. Chairman, this amendment seems to be relatively minor. It arose out of some discussion we had in committee and it was asked that it be inserted. Certainly I am prepared to agree to that insertion.

Mr. Allen: Likewise, Mr. Chairman.

Motion agreed to.

Mr. Allen: Mr. Chairman, one portion of section 17 deals specifically with transportation. The amendment I have is the addition of a subsection 5.

Mr. Chairman: Mr. Allen moves that subsection 17(3) of the bill be amended by adding a new subsection 5 to the act, as follows:

"(5) A board that provides a French-language instructional unit for elementary school instruction shall provide transportation for those pupils whose residence is over 30 minutes distant by public transit from the unit."

and renumbering the remaining subsections accordingly.

Mr. Allen: Mr. Chairman, the transportation provisions included in this section are ones that pertain to those students who manage to avail themselves of French instruction when it is purchased by another board. What that provides for them is transportation, as the minister has amended, in a manner provided by the board for all those students in question.

What this does, however, is to set up a somewhat anomalous and somewhat inequitable situation for students who attend a school where the board itself offers French-language units or a complete French-language school for Franco-Ontarian students.

As we know, quite frequently those schools, especially in the south-central part of the province where the French population is not densely concentrated, provide for students who are quite widely spread. Often the unit is the only unit that is provided by a school board, or perhaps it is the only school for that whole school board jurisdiction that is provided for the instruction of French students in that unit or in that school.

As a result, unlike the students of the majority population, who usually have schools relatively close on a community basis, they are sometimes involved in very lengthy transportation on the public system. Frequently, in a city like my own it entails several transfers from one bus to another, or, in another city, from one streetcar to another. The end result is that some of them spend incredibly long periods of time in transportation.

What I am trying to provide by the amendment to this section, which deals with elementary students, is a requirement for the board in question to provide transportation for those students that overcomes both that immense amount of time of waiting and transferring to get to their school and provides for them something that is much more efficient and direct and less time-wasting as far as they are concerned.

Obviously many educational facilities these days are accessed by provision of transportation which would not otherwise make them acces-

sible. It seems to me this is a consideration that more and more must be on our minds. Those students must not have to undertake lengthy journeys, which take away from their playtime, their study time and their home time and do exhaust them needlessly in many cases.

I make this amendment with those purposes in mind, and I hope not only my colleague the member for St. Catharines will support me but, in the high spirit of co-operation that has marked the discussion of this bill to date, the minister also will support this kind of provision.

8:30 p.m.

Mr. Bradley: Mr. Chairman, the matter we have before us is one that was discussed in committee as well. It did prove to be an inconvenience at the very least, if not an impediment, to attendance at a French-language instructional unit or elementary school for those in municipalities, for instance, in and around Hamilton, a good example that the member for Hamilton West (Mr. Allen) mentioned, or any of the municipalities where the public transportation does take a period of time.

At the time it was discussed in committee, I certainly thought this matter had to be addressed in some way. It is not simply a matter of the number of miles or, using the metric term, kilometres, away; it is a matter of time as well. The description the member for Hamilton West has given of students who have to take a good deal of time on a public transportation system is potentially a pretty accurate one for many of those students.

The inclusion is one that is supportable and can be worked out in a practical sense. I do not know what the minister's reaction is going to be to it, but on behalf of the official opposition, I am certainly prepared to support this amendment. I think it is going to remove, if not a distinct impediment, certainly a great inconvenience for students who attend a French-language instructional unit.

Hon. Miss Stephenson: Mr. Chairman, the responsibility for education in this province is shared between the Ministry of Education and the local, duly elected board of education. Within the area of responsibility of the duly elected board of education is the provision of educational programs and the provision of transportation, where necessary. It has never been the policy of the ministry to interfere in the internal arrangements established by a board for the purposes of transporting children within the board's own jurisdiction.

The amendments that are here in sections 17 and 19 relate specifically to the purchase of programs from another board and the transfer of children from one board to another by means of bus, or the provision of accommodation, which ever seems to be most appropriate in the manner determined by the board for the students who are going to be studying within the French language.

It was certainly never our intent to attempt to intrude upon the autonomy of each individual school board in the determination of its transportation policy. We provide funds in support of that transportation policy, but we do not direct it, because there are many different kinds of activities carried on by many of the boards in the province to ensure the accessibility of school programs to children within the boards' jurisdictions.

I really feel it would be an inappropriate inclusion in this act, particularly since the purpose of this act is to integrate French-language instruction fully within the educational programs of schools boards right across this province. By "fully" I mean available to every francophone child, no matter where that child lives.

To establish a program that intrudes for one language group, be it either the French-language group when it is in a minority situation or the English-language group when it is in a minority situation, for the purposes of providing access within the board's jurisdiction and directing the board to provide a transportation program that is not made available to other children, could be disruptive and probably unsupportive of the principle we are trying to support in this bill.

I therefore feel strongly that we should not support the amendment proposed here.

Mr. Allen: Mr. Chairman, the minister has made two points with respect to this subject. One is the question of interference, and the other is that these amendments are intended not only to provide French-language education and make it a right but also to provide the facilities by which that right can be accessed. The courts we have heard on this subject make it quite plain that to have a right and not to have the facilities that make it accessible is to have no right at all. That is the gist of the way in which the recent decisions might be looked at.

With respect to the interference question, it might appear that this interferes with the internal workings of a school board in a way the present section does not, but surely one has to say that the whole premise of this section was to interfere with the internal matters pertaining to a given

board, inasmuch as those boards now are being directed that they must provide for the French-language education of the French population in this province.

The whole presentation of this section and all the amendments being made to the act with respect to the ministry determination that every child, regardless of numbers of concentration of French population, shall have a right to French education, is an interference. It is premised upon a right; that right must be attended by the facilities.

This amendment the minister has proposed with regard to the transportation where a board purchases services from another board to fulfil that also interferes with their rights; it interferes with their right not to provide transportation. However, it does insist they must provide transportation when they access that service from another board. That is an interference. I do not see any other way of describing it.

What I am proposing is an extension of that to accommodate what appears to me to be not only an inconvenience but also an absolute problem in some respects for accessing that educational right. Just because it happens to lie within the board and not between boards is no argument against it.

Perhaps I might refer to the conditions, since I suspect our debate on this amendment is also the debate that pertains to my subsequent amendment to section 19 and there would be no point in going through it all over again.

For example, let me take quite a specific case in my own community where it is much easier to access the George P. Vanier school from Oakville with respect to travel time than it is from Stoney Creek or the west end of Hamilton.

Surely there is an inequity in that. Not only is it an inequity, but it means French families simply make the decision that, because it is going to take an hour and a quarter or an hour and a half to get to school, it runs up against the limits of tolerance. Not only does it run up against the limits of tolerance, but surely it also must be seen to run up against the limits laid down in terms of what is required to provide for the fulfilment of their right to access that education, namely, that there must be reasonable facilities and access.

In that light, it seems to me the minister's arguments do not hold water. As to what she is trying to do through this act with regard to fulfilling that right by interfering with the internal workings of boards, in principle and in fact my amendment does not breach either of the two objections the minister made to us.

Mr. Chairman: There is an amendment by Mr. Allen for consideration, that subsection 17(3) of the bill be amended.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Section 18 agreed to.

8:40 p.m.

On section 19:

Mr. Chairman: Hon. Miss Stephenson moves that clause 261(3)(b) of the act as set out in section 19 of the bill be amended by inserting after "transportation" in the first line the phrase "in a manner determined by the board."

Any comments?

Mr. Bradley: Mr. Chairman, exactly the same as the last time, we support that.

Motion agreed to.

Mr. Allen: Mr. Chairman, I have a further amendment, which is parallel to the earlier one, with respect to section 19 of the bill.

Mr. Chairman: Mr. Allen moves that section 19 of the bill be amended by adding subsection 4, which reads as follows:

"(4) A board that provides a French-language instructional unit for secondary school instruction shall provide transportation for those pupils whose residence is over 30 minutes distant by public transit from the unit."

Mr. Allen: Mr. Chairman, I should say that the argument essentially is the one we just went through. There is no need to repeat it. I presume the voting will be in the same pattern.

Mr. Chairman: All those in favour of Mr. Allen's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Vote stacked.

Mr. Chairman: Any further comments or amendments to any other section?

Sections 20 to 27, inclusive, agreed to.

MINISTRY OF CORRECTIONAL SERVICES AMENDMENT ACT

Consideration of Bill 149, An Act to amend the Ministry of Correctional Services Act.

Sections 1 through 3, inclusive, agreed to.

On section 4:

Mr. McKessock: Mr. Chairman, we have opposed this bill because we felt the 16- and

17-year-olds should have been handled by the Ministry of Community and Social Services. I am not sure why the minister did not take the opportunity to get rid of these 16- and 17-year-olds to allow more space in his overcrowded facilities. It would have been a good opportunity. Also it would have been a good move for everybody. It would have helped the Ministry of Correctional Services in its space and it would have helped the offenders in what I feel would have been better rehabilitation facilities in Community and Social Services.

Under clause 4(a), where it says, "provide for the custody of persons awaiting trial," I would like to ask where the minister intends to keep these offenders while they are awaiting trial and at what cost?

Hon. Mr. Leluk: Mr. Chairman, the intent is to provide pre-trial disposition, to have temporary facilities that would be both secure and open, depending on the need. The overall cost for the secure facilities is \$49.36 million. That is for the secure custody accommodation plan which will be for the secure facilities for the four or five post-dispositional facilities and also for the predisposition accommodation.

I am sorry. I gave a total figure for the cost of both of those. The pre-trial detention facilities are estimated at \$17 million.

Mr. McKessock: Is the minister saying the pre-trial facilities will not be at any of the existing detention centres for adults?

Hon. Mr. Leluk: There will be about 17 sites across this province. The reason for that is to keep the young offenders close to their homes for purposes of trial as well as for post-trial disposition. Some of those facilities will use the prefabricated units we are currently building ourselves, which will be added on to existing facilities. That is the intent.

Mr. McKessock: If I understand the minister, there could be a facility set up at the Metropolitan Toronto West Detention Centre to handle young offenders awaiting trial.

Hon. Mr. Leluk: That is a possibility. What we are building at the Toronto West Detention Centre is a wing, a new addition, primarily for women offenders, but it will be flexible in its design and part of it could be used for a young offenders' facility if the need arises.

Mr. Laughren: Mr. Chairman, on a point of order: I wonder if you would allow me to encourage the other members of the chamber to welcome back to chairmanship of the committee

of the whole the most heavy-handed chairman we have ever had in this chamber.

The Deputy Chairman: That was not a point of order, and I do not accept it as such, but heavy-handed perhaps in some things.

Mr. Rotenberg: Mr. Chairman, I think you should accept the compliment.

The Deputy Chairman: I accept the compliment then.

Mr. McKessock: In our discussion the other night, the minister mentioned, and I read from Hansard, "The member for Grey also stated that staff should not be interchangeable, that adult staff cannot deal with 16- to 17-year-olds." I want to point out that I was not saying staff were not capable of handling both young offenders and adult offenders, I was saying they should not be handling both.

My concern is that if there is going to be a detention facility set up at the west detention centre or at other detention centres now in place, the same staff will be handling young offenders part of the day and handling adults the other part of the day. I understand they are capable of handling one or the other, but I do not think they should be handling both at the same time.

8:50 p.m.

Hon. Mr. Leluk: The intent of this legislation is that the 16-year-olds and 17-year-olds will be held separate and apart from adult offenders. We will be utilizing our present staff who have expertise in handling this type of offender, since at one time we did have responsibility for the training schools and have had a considerable amount of experience with this type of offender. We would also be hiring additional staff to supervise this type of offender in our secure facilities.

Mr. McKessock: Mr. Chairman, I feel the young offender should have somebody looking after him who is not dealing with the hardened offender at other times of the day. The young offender has a greater chance to change his life and make something out of it, but to do this he needs the right kind of staff as well as the right environment. Is every effort going to be made to see that the same staff are not handling the two different types of offenders?

Hon. Mr. Leluk: Yes, the staff will be selected and will be assigned to the young offenders. We will not have the same staff handling both types of offenders, adult offenders and young offenders, at the same time.

Mr. McKessock: What are the types of programs under clause 4(e) of the act as set out in

section 2 of the bill? In our discussion the other night, the minister mentioned that planning for education, health services, food services, volunteer programs, recreation programs and counselling services is complete. Could the minister give me a list of these programs and anticipated costs, especially in the light of the fact that at the present time the community does not know what to expect?

The Deputy Chairman: The member for Oshawa.

Mr. Breagh: I do not have anything.

Mr. McKessock: I think the minister was going to respond. I see him moving.

The Deputy Chairman: Does the minister wish to respond?

Mr. Foulds: He would like to, but he is not able.

Hon. Mr. Leluk: The minister is able to respond. We currently have a number of programs in place. I think we should mention that the 16-year-olds and 17-year-olds have been in the adult correctional system for some time. We have developed educational programs, vocational programs and programs for life skills in our institutions for this type of offender. We would be utilizing and building on those programs.

In both the community and custodial programs, we are actively encouraging and developing with the Ministry of Education the concept of divestment with boards of education across Ontario for the delivery of services from a full range of educational resources to this young offender group.

The ministry has had a great deal of experience in providing educational programs, in many of which the 16-year-olds and 17-year-olds have taken part while they have been part of the adult system. We have had a number of proven programs, such as the basic literacy for adult development program, or BLADE, which is a multimedia and multisensory reading program for functionally illiterate adult individuals. We have programmed language automated teaching operations, referred to as PLATO, which is a commercially developed program of computer-based instruction courses and basic academic and life skills. This would be included in our program for young offenders.

As well, I mentioned that vocational skill development in workshop settings will be an integral part of the education plan.

We are currently exploring strategies for the assessment and treatment of youths with learning disabilities and, of course, the extensive correc-

tional educational expertise now in existence in the ministry will continue to be available to youth programs.

In our young offender facilities we expect to make available programs of the type that are now provided at Maplehurst Correctional Centre. I think the PLATO program is there. We have a high school as well as a vocational training workshop at Maplehurst. I do not know if the member for Grey (Mr. McKessock) has had an opportunity to visit this facility, but if he has not, I would strongly urge that he do so. I think he will be quite impressed with what he sees there.

The programs are necessarily adapted to groups of individuals who possess a wide range of educational achievements and, where possible, vocational training programs allow for apprenticeship and secondary school credits through a linkage with the Ministry of Colleges and Universities and the Ministry of Education.

Mr. McKessock: Am I right in assuming there will be approximately 35 offenders at each of the 10 facilities the minister will have set up across the province?

Hon. Mr. Leluk: I do not know where the member gets the figure of 10. If we are talking about secure facilities, we have had approval for two such facilities, one at Bluewater in Goderich and the other at Maplehurst in Milton.

Discussions are going on for the sharing of facilities in the northern region with the Ministry of Community and Social Services. We have not at this point had any approval of one or more facilities to be used jointly or shared in the northern region. Similarly, we have not had approval at this point of a facility in the eastern region.

It is not our plan to have 10 such major secure facilities. If the member is talking about pre-trial detention or temporary detention facilities, we are talking about 17 or so such facilities across the province. They would be pre-trial and in some cases post-trial facilities in order to have some of these younger people closer to home, particularly those who might require open settings rather than secure settings. We would have both open and secure settings in the temporary facilities, as well as different levels of security.

Mr. McKessock: The minister mentioned on second reading that there were five regions and said he was going to have two facilities in each region, which would make 10.

Hon. Mr. Leluk: The 10 we were talking about are the 10 open-custody facilities. They

would be similar to the community residential centres that we operate now in our adult system.

Mr. Foulds: The minister says he is having talks about sharing facilities with the Ministry of Community and Social Services in northern Ontario. What kind of facilities would he share?

Hon. Mr. Leluk: Possibly the secure facilities.

Mr. Foulds: Secure?

Hon. Mr. Leluk: Secure and open custody.

Mr. Foulds: What secure facility does the Ministry of Community and Social Services have?

Hon. Mr. Leluk: In Sudbury, it has the Cecil Facer Youth Centre.

Mr. McKessock: Mr. Chairman, how many contracts have been signed or negotiated with community organizations such as the Elizabeth Fry Society and the John Howard Society for services for the treatment of young offenders? Can the minister also tell me the cost of these?

9 p.m.

Hon. Mr. Leluk: I do not know if I can give the honourable member a specific number of contracts. Negotiations have been going on with a number of private agencies that provide this type of service to this ministry, including the John Howard Society and agencies of that type. I am advised that apparently there are no contracts signed at this time.

Mr. McKessock: My understanding was Central Toronto Youth Services has not negotiated any contracts, but it is extremely curious as to what is happening. Seeing the deadline is coming up on April 1, it is not far away. How long will it be before contracts are arrived at with these associations for treatment for these young offenders?

Hon. Mr. Leluk: As was mentioned, it is our intention to have 10 open-custody facilities available with approximately 100 beds by April 1. For that to happen, we would have to have the contract signed some time prior to April 1.

Mr. McKessock: Under clause (f)—

The Deputy Chairman: Will the member help me? I am on page 4 of Bill 149. Section 4 says, "Clause 10(a)..." Is that right?

Mr. McKessock: We are on page 3, section 4, at the bottom of the page under clause 4(f) for the parole system.

The Deputy Chairman: I thought that was passed.

Mr. McKessock: No.

The Deputy Chairman: I am sorry. I have that initialled. That has been carried. I thought we were on section 4.

Mr. McKessock: We are on section 4.

Mr. Foulds: We are on section 2, if I can clear up this misunderstanding.

The Deputy Chairman: You can help me any time.

Mr. Foulds: Section 2 is what the member rose on. It replaces section 4 of the act. That is what the confusion is about. You assumed he was over on section 4 of the bill, but he was speaking on section 2, replacing section 4 of the act.

The Deputy Chairman: In replacing the Chairman, I was of the opinion that sections 1 to 3 have been carried. Is there a general understanding that we can go back to an earlier section to discuss this matter? You are going back to an earlier section.

Mr. McKessock: There was confusion about section 2 taking over section 4. Actually, it is section 2, page 3, at the bottom of the page.

The Deputy Chairman: I have that as approved. I will ask for the general consent of the House to go back to clarify these concerns. Do we have that consent? I assume we do.

Mr. Breaugh: I am a little disturbed at this turn of events. We voted against the first three sections and they voted for them. Now they want to argue against it. I am having a little problem with this.

Mr. McKessock: We have not voted for anything.

The Deputy Chairman: This is why I am raising the question.

Mr. Breaugh: As a matter of fact, they did vote. I heard the vote called by the previous chairperson. I heard them vote in favour of it. I am having a little difficulty with this. I would be quite happy to revert to that section if you want to open it up again. I do not know how we do this. It seems that every time you get in the chair we have all this confusion.

The Deputy Chairman: The last thing I want to do is cause any more confusion than we need in this beautiful House.

Mr. McKessock: I am dealing with the same section I started with on page 3.

The Deputy Chairman: I think we have general consent that you can continue.

Hon. Mr. Leluk: Mr. Chairman, on a point of order: I was under the impression we had passed

the first three sections and were now dealing with section 4. The member for Grey has put us back to section 2. He has been talking about clauses under "Section 4 of the said act is repealed and the following substituted therefor." We have gone backward instead of forward.

Mr. Breagh: Mr. Chairman, on the point of order which I think is a pertinent one, I find this surprising. The minister has been answering questions for 10 or 15 minutes on a section he thought was passed. It is getting odd in here, is it not?

The Deputy Chairman: That is why I thought I would raise the question even before you did.

Mr. McKessock: I will clarify that, if we had been at section 4 as the member just mentioned, we would have been talking about inserting the word "Canada." That is all section 4 pertains to. We have been talking about functions of the ministry, which comes under section 2.

The Deputy Chairman: Will the member for Grey please clarify this? Will we be long on this little part? Otherwise, I think I will have to get a ruling. We are really going over items that have already been passed.

Mr. McKessock: This was the section I started on and I will relate most of my remarks to it because it pertains to the functions of the ministry.

Mr. Breagh: I think I can help you out, Mr. Chairman. It is as simple as this. First he voted for it and now he wants to argue against it. It is a classic Liberal position.

The Deputy Chairman: I have to have unanimous approval from the House to go back and deal with a section I believe has already been passed in this House.

Mr. Foulds: Mr. Chairman, on the point of order, I agree with having unanimous approval and I urge the government and the members present to give that unanimous consent. The chair is right. The first three sections had passed.

The member who rose to his feet thought he was speaking on section 4, but it happened so rapidly he was actually speaking on section 2. It is quite clear from the discussion that took place it was section 2 he wished to speak on. There has been tacit agreement by the government, because the minister has been replying to questions that could only be legitimately debated on that section. I encourage the House as a whole to agree to unanimous consent.

The Deputy Chairman: I like the spirit of Christmas. You are helping me in a wonderful

way. Are we agreed that the member for Grey can go back?

Agreed to.

Mr. McKessock: That was a great diversion, but I want to point out to our New Democratic Party members that we were not agreeing to any part of this bill—

Mr. Foulds: The first three sections passed and the Liberal members said, "Yes." Let us get that clearly on the record.

The Deputy Chairman: We have agreed to go back for the time being.

Mr. McKessock: Mr. Chairman, the hearing of the NDP is a little off.

Mr. Kolyn: Mr. Chairman, on a point of order, the member for Port Arthur (Mr. Foulds) is entirely right. We did pass sections 1 to 3, but let us get on with it.

Mr. McKessock: Under clause 4(f) on parole, I would like to ask the minister if the probation and parole officers dealing with the young offenders are going to be different people from those dealing with adult offenders. Will the same probation and parole officers in the field be dealing with both ages, or will there be a new group for the young offenders?

Hon. Mr. Leluk: First of all, under the Young Offenders Act dealing with Criminal Code matters, there will be no parole. Where we are dealing with matters under the Provincial Offences Act, I believe parole will be available, as it is at present, for 16- and 17-year-olds in the adult system. The officers will be designated to deal with those young persons, but not at the same time as they deal with adult offenders.

Mr. McKessock: So the minister is telling me it will be the same staff dealing with both young and adult offenders.

Hon. Mr. Leluk: Yes, it will be, but they will not be dealing with adult offenders and young offenders at the same time.

The Deputy Chairman: Before the member for Grey continues, if members are wondering why the lights are on, the Canadian Broadcasting Corp. French network obtained permission from the previous Chairman. I do not see him watching the cameras. Could we turn them off? I find it a little bright in here.

Interjections.

The Deputy Chairman: Order.

9:10 p.m.

Mr. McKessock: This raises the same concern as I have in the case of the staff looking after

young offenders in the detention centres and correctional centres. Having the same parole and probation people looking after the same people, the same concern arises. If they are subjected to the older, more hardened criminal, that may have an influence on the way they treat the younger offender.

In this regard, this might be a good chance for the minister to add some new parole officers and probation officers to the system. Why are the parole and probation officers not keeping proper records, as was pointed out by the Provincial Auditor recently? Is it because they are overworked? Why are they putting down more people than they are actually looking after? Is it because they are overworked? If that is the case, would this not be a good chance to add more of them to the system, strictly to look after the young offenders?

Hon. Mr. Leluk: I believe the ministry will be adding more probation officers.

To go back to the background, I do not know why the member for Grey continues to feel that because certain staff in this ministry are working with adult offenders they are not capable of dealing with younger offenders in a fair and compassionate manner. These 16- and 17-year-olds have been in this system now for a number of years and our staff have been able to do just that with them in the present system. I would like to point out that the training for probation officers who will work with 16- and 17-year-old offenders in the community in particular will include a number of areas of concern.

Mr. Foulds: Does the minister know what he just said? The staff can deal with these people because they dealt with them when they were youngsters.

Hon. Mr. Leluk: No. I said they are dealing with them in the present system because the 16- and 17-year-olds are in the adult system. They have been dealing with those offenders. I do not know why the member for Grey persists in stating that the staff would not continue to deal with them in the same compassionate and fair manner in which they are dealing with them at present under the young offenders system.

Mr. Foulds: If they failed with them when they were youngsters and they are still in the system, are they going to continue to fail with them?

Hon. Mr. Leluk: They have not failed.

Mr. McKessock: When I was doing my tour around the facilities and my research into the correctional system, one of the first things I

realized was that 50 to 60 per cent of the offenders in the system are repeaters. I am continually looking for ways of changing that around.

As the minister says, the probation and parole officers are now dealing both with 16- and 17-year-olds and older ones, but maybe they should not be. If they dealt strictly with the one group and another set dealt with the older group, it might be a chance to stop some of these repeaters. I think we have to look continually for what is causing this problem of getting so many repeaters back in the system.

Clause 4(h) in section 2 of the bill sets out the following: "provide supervision of noncustodial dispositions, where appropriate." Can the minister explain that to me?

Hon. Mr. Leluk: Clause 4(h) refers to the provision of programs and the supervisory services for such individuals. We anticipate under this new legislation that extensive use will be made of community dispositions by the courts. To this end, we have already set certain standards. There would be additional training for probation youth workers in intensive supervision and other areas such as family counselling and community development. Programs, for example, which are noncustodial would be similar to our community service order programs currently in use in the present ministry; programs like the fine option program, restitution, compensation to victims of crimes and personal service orders.

Mr. McKessock: Under clause (i), what programs does the minister have in mind for the prevention of crime?

Hon. Mr. Leluk: We have a number of programs now. A number of days have been designated as law days where at local high schools throughout the province we have a full-day session with people from the justice field such as judges, members of the local police forces and people who are involved in community corrections who meet with students and talk about preventive measures. We have crime weeks designated in this province where, during the full designated week, similar types of programs go on in various communities. We have programs at present on petty thefts, which seem to have a very positive effect on former inmates.

Mr. McKessock: I would appreciate it if the minister could send me a list of those preventive programs.

The minister mentioned the cost earlier. How many millions for the facilities?

Hon. Mr. Leluk: Let me just get those figures again. Pre-trial detention—that would be the cost of the facilities at some 17 locations—would be valued in the area of \$17 million. I said the overall cost was somewhere around \$49.3 million. Let me just check that figure. Yes, \$49.36 million is the estimated cost of construction of the secure facilities with some 564 post-dispositional beds and 193 beds for predispositional use. We are talking about secure custody. The predisposition accommodation would be valued at \$17 million. Combined, it is \$49.36 million.

Mr. McKessock: What is the cost of the added programs for the young offenders?

Hon. Mr. Leluk: At this point, I do not have a costing. I will get that.

9:20 p.m.

Mr. McKessock: I do not believe that money has been set aside anywhere in the ministry's estimates for this year. I was wondering where the minister is going to get the money for these new facilities and programs.

Hon. Mr. Leluk: We have been before Management Board of Cabinet for approvals for capital funds for facilities as well as for the necessary programming.

Mr. McKessock: Would the minister table in the House the additional staffing and resources that have been and will be allocated to implement the Young Offenders Act? Does the minister have an agreement with the federal government? If so, could I have a copy of that agreement? How much money is the minister—

Hon. Mr. Leluk: Just on that point, what was the question prior to the question on federal government participation? I am sorry.

Mr. McKessock: Does the minister have an agreement with the federal government for—

Hon. Mr. Leluk: No. There was a question raised prior to that about providing certain documents.

Mr. McKessock: Yes. Would the minister table in the House the additional staffing and resources he has allocated and will be allocating to implement the Young Offenders Act?

Hon. Mr. Leluk: That information would not be tabled.

I have just received this information. The estimated cost for operating the secure custody programs would be in the neighbourhood of \$36.9 million.

Mr. McKessock: Does the minister have an agreement with the feds? If so, could I have a

copy of it? How much money is the minister getting from them for the implementation of the Young Offenders Act? When will he be getting it?

Hon. Mr. Leluk: The federal government is providing no capital funding for either post-dispositional or predispositional facilities. There is a cost-sharing on the operational costs. That figure is somewhere in the neighbourhood of \$15 million.

Mr. McKessock: Could I have a copy of that agreement?

Hon. Mr. Leluk: No. That agreement is not going to be tabled.

Mr. Foulds: Why not?

Hon. Mr. Leluk: Because it is not going to be.

Mr. Foulds: That is pretty arrogant. Is there any reason that document should not be tabled in the Legislature?

Hon. Mr. Leluk: I am advised this agreement has not been finalized and signed.

Mr. Foulds: Will it be tabled? Can it be tabled?

Hon. Mr. Leluk: It cannot be.

Mr. Foulds: When it is finalized?

Hon. Mr. Leluk: Yes, when it is finalized.

Section 4 agreed to.

Sections 5 and 6 agreed to.

On section 7:

Mr. McKessock: Mr. Chairman, section 7 states in part: "Section 13 of the act is repealed and the following substituted therefor: 13. The Lieutenant Governor in Council may pay a compassionate allowance...." Can the minister tell me what we are talking about here and how much that compassionate allowance is?

Hon. Mr. Leluk: Mr. Chairman, this compassionate allowance is extended to young persons injured while in the ministry's custody and to individuals who have been injured by young persons in our custody. I would take it that would be based on individual cases. There is no set figure I can give in this House to the member for Grey.

Mr. McKessock: Are we talking about a disability pension?

Hon. Mr. Leluk: That is what we are talking about.

Mr. Breaugh: Mr. Chairman, I have a question or two on that. I am somewhat concerned that the minister does not seem to have any grasp of what he really does mean by a

compassionate allowance. Can he give us some term of reference? Is he relating it to something like a disability pension, and would he pay it at the same rates, or what is he doing?

Hon. Mr. Leluk: Mr. Chairman, under this new section, we are extending it to young persons who are currently in our adult system. It is the same type of thing as a disability pension. It is provided to young persons who are injured while in the ministry and any other young persons who may be injured as a result of young persons in our custody under the young offenders legislation. It is based on the Workers' Compensation Board scale.

Mr. Breagh: Perhaps the minister can clarify that for me then. Can he tell me what the compensation board scale would be, for example, if there were a fight in the yard and someone lost an eye or was injured in that kind of fisticuffs? It seems to me he has a little difficulty drawing parallels between what the compensation board might allocate under its system, which I think is unfair, and the kind of situation that might occur here. Is he thinking this is like the compensation board system for young people who would be working, for example, in training programs? Is that the concept he has in mind?

Hon. Mr. Leluk: I believe it goes beyond that. The legislation is intended to extend to the young persons housed in our young offender facilities who might be injured while in ministry custody and to individuals injured by young persons. As the honourable member probably knows, inmates are assessed by Workers' Compensation Board doctors, who would decide the level of compensation to be paid.

Mr. Breagh: Although the example might seem a little extreme to the minister, it is not unknown for people in custody to be physically abused by those who are holding them in custody. Would this kind of provision provide that a young kid would be able to qualify for compensation for damages of a physical nature if he were beaten up in a Correctional Services institution?

Hon. Mr. Leluk: I said earlier this allowance would be extended to young persons injured while in ministry custody and to individuals who might be injured by other young persons in custody.

Mr. Breagh: Not to make it too difficult, can we try for a yes or a no—yes, they will be covered for that activity; or no, they will not? That gave the pages time to bring the note down with the answer.

Hon. Mr. Leluk: The answer is no.

Mr. Breagh: No, they would not be?

Hon. Mr. Leluk: That is right.

Mr. Breagh: Then how would they get any kind of compensation? For example, would they be covered under the Criminal Injuries Compensation Board? Would that kind of provision apply to them?

Mr. Foulds: There are nods from the gallery.

Mr. Breagh: The answer has arrived now; so perhaps the minister could read it for me.

Hon. Mr. Leluk: An inmate would be eligible for criminal injuries compensation, if the injury was a result of some criminal act.

Mr. Breagh: I wish the people in the gallery would write yes or no answers here so we would not have to pursue this too much longer.

The minister is saying they would be eligible for this program, which the minister is saying would be similar to and is operated by the Workers' Compensation Board. In addition to that, there would be an opportunity to go to something such as the Criminal Injuries Compensation Board. Is that right? It is hard to put a nod of the head on Hansard. Let the record show that the minister nodded in the affirmative.

Hon. Mr. Leluk: I said yes to both of those.

Section 7 agreed to.

Sections 8 to 12, inclusive, agreed to.

9:30 p.m.

On section 13:

Mr. Chairman: Hon. Mr. Leluk moves that the bill be amended by adding thereto the following section:

"13a. (1) Clauses 1(c), (d) and (e) of the Young Offenders Implementation Act, 1984, being chapter 19, are amended by adding at the end thereof in each case, "and operated by or for the minister."

"(2) The said act is amended by adding thereto the following section:

"3a. (1) With the approval of a provincial director, services may be provided under this act to a person 16 years of age or more who is a young person within the meaning of the Young Offenders Act (Canada), but not within the meaning of clause 1(i).

"(2) A person who is the subject of an approval under subsection 1 shall be deemed to be a young person for the purposes of this act."

Hon. Mr. Leluk: Mr. Chairman, these consequential amendments to our act will result in minor modifications to Bill 28, the present Ministry of Community and Social Services

young offender legislation, An Act to provide for the Implementation of the Young Offenders Act (Canada). These amendments are being put forward to ensure consistency between the Ministry of Correctional Services Amendment Act and Bill 28 in the three-month hiatus between April 1, 1985, and the proclamation of Bill 77 on July 1, 1985.

Mr. Breagh: Mr. Chairman, perhaps this is a suitable way to conclude the debate this evening on this matter. This is perhaps typical of the problem. This whole young offenders process seemingly went on for a long time. The purpose of the exercise was to provide the lead time required to change a major portion of the judicial system, at least in how we look at young people who are in conflict with the law.

The purpose of the long lead time was to provide various levels of government with the opportunity to negotiate these agreements. As we have seen in the course of this evening's debate, some of the agreements are not yet negotiated and yet the act is just about due to be in place. Part of the debate this evening indicated pretty clearly, and this is the reason I wanted to speak briefly on this amendment, that we are ill prepared, to say it politely, around this whole concept, around this program and around this bill.

I would like to put on the record tonight my own personal reservations that, sadly, one or two years from now, members of this Legislature will be rising in their places talking about the kind of facilities that were described earlier this evening, talking about the kind of legislation that has to be amended at this late date with an amendment such as the one we have now. It points out as succinctly as anyone could that we are not well prepared to implement this new program. This government has not really thought through the process. We do not have in place now the facilities to handle these young people.

It may be true, as the minister said earlier this evening, that they have some programs. They have dealt with young people before. There is no question about that. However, I was at one time the critic for Correctional Services and had an opportunity to visit many of the facilities and observe programs we had in place. Some were quite good.

The concept of a new Young Offenders Act was to try to provide, not an extension of existing programs but a new concept of dealing with young people in conflict with the law. My concern, and this is why I want to get it on the

record tonight, is that I do not think we are prepared to do that.

We went through this long battle when the argument raged behind closed doors about whether it would be Community and Social Services or Correctional Services that would take on this responsibility. It turns out, in this bill, that Correctional Services in some vague sense of the word won the battle or got the responsibility, whatever terms one might want to use.

It is a sad day because it means we are not prepared to do what really was a great panorama of promises built into the Young Offenders Act. I do not think they are going to happen. This bill, as one goes through it, indicates pretty clearly this province is not ready to do that now, and yet we will very shortly have to assume all those responsibilities.

This program as it will be operated in Ontario will have young offenders on the same site as other people in correctional institutions across Ontario. This bill as it is now before us will provide, quite frankly, a lot of makeshift operations around this; there is no question about that. I listened to the minister talk about building portables at correctional institutions. It happens that since I come from an education background I have a lot of friends who are teaching in portables. A makeshift facility is hardly a way to accommodate any young person.

We can build whole portable schools now; so I suppose it is quite conceivable that this minister can build whole portable institutions. But complaints will come in, I think, from members on all sides of the House that this process is not nearly good enough. I think that as we get into this program we are going to be running something that we will not be very proud of. In fact, I think members on all sides will be after this minister a year from now, saying: "We cannot hold young people in this kind of institution. We do not have the programs we need to have to respond to all the responsibilities that are laid out for us under the Young Offenders Act."

I wish we could say otherwise, but I do not think that is true. When one looks just at this amendment, which seems rather straightforward and does a couple of simple things, it is clear to me that this government is not in a position to undertake all those responsibilities. This government does not even know what all those responsibilities will be at this point. It is just not ready to respond to what was touted at one time as the great new approach to young offenders, a dramatic change in the way young people in

conflict with the law are dealt with by governments and by the judicial system.

With all the hope there was in the discussions, the documents that were tabled around the Young Offenders Act and the great deal of promise that was there, it is sad to me as someone who is greatly interested in that field, particularly in young people, that we are so ill prepared to implement what I thought was a very good idea. There is no question in my mind now that, as the program gets implemented, tales of horror will be put on the floor of the Legislature.

Frankly, I do not expect the staff of the Ministry of Correctional Services to do bad things; I do not expect that at all. I know a number of people who are employed by Correctional Services. I know they try. But I also know our detention centres are bulging. It varies somewhat from season to season, but they are full. I know people there are trying to do a good job under difficult circumstances, and now we are going to add a system that will respond to the Young Offenders Act, a kind of adjunct to it.

It may be true that the minister has been to cabinet, it may be true that the money is in the bank; but it is also true that the facilities are not there now, that the programs are not there now and that the staff are not there now. It is true, as the minister said earlier this evening, that he has people who have run similar kinds of programs before. In fact, some of them have worked with young people before. I suppose it is the hope of the ministry and of the government that this will be a simple transfer, a simple changing of gears, and that it will be able to gear up in short order to take on its new responsibilities under the Young Offenders Act.

I wish the ministry well; I really do. But as I listen to this evening's debate on this bill, I have to say that I do not think that is true. I want it put on the record, regrettably, that I am afraid it will not be very long before the complaints will be rolling in and the minister will have to say: "We are doing the best we can. We cannot be all things to all people."

There is no question about it in his answers to some of the questions that have been raised tonight. There are going to be complaints when some young person supposedly under the new, enlightened Young Offenders Act is transported a lengthy distance to get to a secure facility. There will be complaints about it because that is going to happen, and there is no question about that. He has two secure facilities in Ontario in his mind at this moment. That is one area where there is going to be a problem.

9:40 p.m.

There is going to be difficulty as he tries to move into agreements with the Ministry of Community and Social Services on institutions which he could not identify very well for us tonight and I do not think he will in the foreseeable future. They are already under duress in their own responsibility and if they try to assume additional responsibilities under the Young Offenders Act, there is going to be a problem.

There is going to be some difficulty in operating what he calls the open facilities. I wish him well, I honestly do, and I hope all my concerns prove wrong. The problem is I have been around here long enough to know that if a government has not made up its mind and had sufficient lead time to get that thing in place and in operation, a government always has difficulty with it.

As we finish up with this one little amendment to Bill 149, there is no question in my mind that this government has not thought this process through very well at all. It does not have the allocation of funds in place, it does not have the institutions in place, it does not have the program in place and it is still not sure how the act itself should be written.

It is with regret that we look at one last amendment to Bill 149. To keep it consistent, I want to vote against this amendment, not because it is a particularly bad amendment, but because an ill-conceived scheme is at work here. It has not been thought through properly. I think they are going to regret that so much of what was touted as lead time in getting the Young Offenders Act in place—better than five years to prepare for this—was lost in squabbling between levels of government and in arguments between ministries about who should assume what responsibility.

In my mind, the tragedy of all that is the Young Offenders Act brought an opportunity for the first time in Canadian history to do something for young people in conflict with the law, something that was at least different, to try a different approach to it all.

Many of us in the coming years are, regrettably, going to be made painfully aware that across this province there is an act in place that is somewhat farcical in nature. The resources and the programs to deal with those responsibilities are not there.

This government is going to be in a somewhat ironical position. In my area, for example, they had what used to be a training school that was

closed down and sold, I am told, to a group of foreign investors to construct some kind of a private school. They will be cranking out institutions like that one again.

This is a government that is ill-prepared. The sad part is there will be young people who should have had a better chance under the new Young Offenders Act and they will not be getting that.

The other tragedy is that a population that is struggling and having great difficulty with the judicial system as it is, is going to have even more difficulty because this government is not very well prepared.

Mr. Chairman: All those in favour of Hon. Mr. Leluk's amendment will please say "aye."

All those opposed will say "nay."

In my opinion the ayes have it.

Section 13, as amended, agreed to.

Sections 14 and 15 agreed to.

Bill, as amended, ordered to be reported.

WORKERS' COMPENSATION AMENDMENT ACT (continued)

Resuming consideration of Bill 101, An Act to amend the Workers' Compensation Act.

On section 11:

Mr. Chairman: When we left this at 6 o'clock, I believe the member for Dovercourt (Mr. Lupusella) was moving a motion on subsection 45(5), to replace, in the fourth and fifth lines, the word "may" with the word "shall."

Mr. Lupusella: Mr. Chairman, I had the floor and had moved the amendment, but did not really have time to pursue the debate on the issue. I would like to say a few words about my amendment. We were talking about subsection 45(5), if I recall correctly.

I have to rethink my thoughts on my reason for making this amendment. I made a presentation before a commission of inquiry dealing with the use and disposal of polychlorinated biphenyls across Ontario and my brain is recalling the content of the presentation. There is a relationship between spilled PCBs and these sections within the framework of Bill 101 which will eventually be detrimental to the wellbeing of injured workers across Ontario.

Even in cases where the board recognizes the importance of certain benefits being awarded to injured workers and there is no doubt whatsoever about recognizing the implementation of this benefit on their behalf, we are still faced with the discretionary power given to the board. My party, therefore, is rejecting completely the idea

that the board should have such discretionary power, because from past history we know that discretionary power has been utilized against the wellbeing of injured workers.

Mr. Laughren: In other words, they misused it.

Mr. Lupusella: Yes, they misused the discretionary power. If the past history of the board had been different from what we know it to be, as the member for Nickel Belt (Mr. Laughren) and others in my party know, we would have accepted the principle of this discretionary power even in cases where there is no doubt the benefits should be awarded.

By the use of the word "may," even in cases where there is a clear recognition that the impairment of the earning capacity of the worker is significantly greater than is usual for the nature and degree of the injury, which means—I would like to get the minister's attention or he might come out with another position and never discuss this issue before the committee.

Hon. Mr. Ramsay: I remember this one.

Mr. Lupusella: The minister remembers this, but he did not remember the previous one which emphasized the 10 per cent disability award given to an injured worker. In the opinion of the board, the 10 per cent disability award will not be considered to impair the earning capacity of the worker significantly greater than is usual for the nature and degree of the injury. The 10 per cent means the injured worker can do the same type of job he did before he was injured.

9:50 p.m.

We are getting into a different scenario. Even if an injured worker will get a disability award from the pension department that is far above the 10 per cent figure, the board will have the discretionary power to award a supplement pension to the injured worker. This means that the board, with its discretionary power, might reject the principle of the supplement pension because, in its wisdom, it decides that the impairment of the earning capacity of the worker is not significantly greater than is usual for the nature and degree of the injury.

We had case after case. I had an opportunity to sensitize members of the standing committee on resources development to the fact that the 10 per cent mark has been considered by the board as a figure at which workers can still easily perform the same type of job they used to perform at the time of the injury and that therefore there is no change in their earning capacity.

We are now faced with the situation that even though the board may recognize the opposite of that, it has and will use the discretionary power to reject a supplement pension on behalf of an injured worker, even though the degree of his or her disability might be above 10 per cent.

This means that even with a 30 per cent disability award the Workers' Compensation Board might exclude an injured worker from receiving a supplement pension because of the discretionary power incorporated in subsection 45(5). Is this a just and fair procedure on behalf of injured workers?

The minister has great confidence in the board and in the people who work for it, and they might easily say the board will never misuse such discretionary power. We on this side of the House do not understand why such power should be given to the board. In clear-cut cases where an injured worker has a permanent disability award that is above 10 per cent, I do not understand why the minister and the government would be unable to accept the concept that the board must give a supplement pension in cases where there is a clear-cut indication that the impairment of earning capacity of the worker is significantly greater than is usual for the nature and degree of the injury.

We talk about people complaining about the system, people protesting that the government is unable to come to grips with the reality of the 20th century, and that we are going back to the regressive mentality that injured workers must be kept under control.

The government believes that people employed by the board will use their power in a very fair and just way and that no injustices will take place. We can speak from experience. We had an opportunity to convince the minister that the situation is the opposite. He was not willing to change his mind, nor were his colleagues, and support our position even though we had an opportunity to bring cases to the attention of the committee showing that the board is misusing the power given it by the statute governing the WCB in Ontario.

As I stated before, subsection 45(5) is related to spills of polychlorinated biphenyls that kill people and, in our particular case, is an arm for the board to take money away from injured workers and therefore is an incentive for the board to save money in the long run.

We might even get into the political situation. I do not want to advance this theory. Even though I have my reservations about saying it, the minister is pushing me to say it.

Injured workers eventually will not be receiving this type of supplement pension but if they go to the minister, a simple phone call might change the position taken by the board, because this discretionary power is granted to the board by statute, by authority of Bill 101. Otherwise, I do not understand why the minister is so unwilling to accept our proposal, because it makes sense.

It is fair and just and takes into consideration a clear-cut case where the board will find that "where the impairment of the earning capacity of the worker is significantly greater than is usual for the nature and degree of the injury, the board"—must—"supplement the amount awarded for impairment and partial disability for such period as the board shall fix unless the worker..." Then we have the punitive measures spelled out in clauses (a) and (b).

I do not know how many safeguards or valves we need in Bill 101 to keep injured workers under control. We have discretionary power given to the board to decide whether an injured worker is entitled to receive a supplement pension, even though there is a clear indication that "the impairment of the earning capacity of the worker is significantly greater than is usual."

Then we have the punitive steps spelled out under clauses (a) and (b) that the board will not grant any supplement pension if the injured worker "(a) fails to co-operate or is not available for a medical or vocational rehabilitation program which would, in the board's opinion, aid in getting the worker back to work; or (b) fails to accept or is not available for employment which is available and which in the opinion of the board is suitable for the worker's capabilities."

How many punitive steps do we need in clauses 5(a) and 5(b) to keep injured workers under control? If I recall correctly and I think I do, my colleague the member for Nickel Belt was against the principle in clause (a) about the medical or vocational rehabilitation. I think he emphasized the simple principle that if an orthopaedic surgeon suggests surgery to repair the injured worker's back, the power is clearly given to the board whereby if the injured worker refuses to undertake back surgery, he will be penalized and the supplement pension not be granted.

How many punitive steps and principles do we have to incorporate in three simple subsections when the principle is clearly stated and the board should not have any doubts about granting supplement pensions to injured workers? If he refuses to co-operate, is not available or refuses

medical or vocational rehabilitation, the supplement pension will not be granted to the injured worker.

10 p.m.

When the impairment of the earning capacity is greater than is usual for the nature and degree of the injury, the board has the discretionary power to grant the supplement pension. Where is it? The member for Nickel Belt has been talking for so many years about the adversarial system that has been in place in Ontario, and these subsections are an indication that we want to create an adversarial system that works against the wellbeing of injured workers across Ontario.

The minister should be reasonable enough to change a simple word on a clear-cut case where the impairment of the earning capacity of the worker is significantly greater than usual for the nature and degree of the injury. If the minister wants, I can repeat this terminology three or four times so we can understand its meaning. Why are we using the phrase "may supplement" when the punitive measures are clearly spelled out in clauses 45(a) and (b) of the act?

I have to request a reasonable explanation from the minister why he has undertaken this type of course to keep injured workers under control. I am looking for a simple explanation. I do not want to provoke the minister, but I think he should have one. I feel his position is clearly unjustified, but perhaps he can show me why the word "may" is appropriate in subsection 45(5). I will sit for a few minutes while the minister makes a short comment on that.

The Deputy Chairman: Thank you.

Mr. Lupusella: No, if he has no comment to make, I will take the floor again.

The Deputy Chairman: It looks as if the Minister of Labour has the floor.

Mr. Lupusella: We are talking about impairment of earning capacity and why the board should not give the supplementary pension when the clear-cut case is clearly spelled out in subsection 45(5) of the act.

All injured workers are going to suffer as a result of this type of discretionary power given to the board and the minister has to justify that to them. The minister has to justify the political wisdom of why he is using the word "may" instead of "shall" and I do not think he has any choice but to support my amendment.

Mr. Di Santo: Mr. Chairman, I know from personal experience what interest the member for Cochrane North (Mr. Piché) has in injured workers.

I would like to talk briefly on this section.

Mr. Nixon: Impossible.

Mr. Di Santo: I will just speak for five minutes. I hope the minister will give us an answer because I am surprised tonight. Both the opposition parties are making some really constructive suggestions and not once has the minister given us a rationale for the position taken in this bill. If we are wrong, he has an obligation to explain to us why we are wrong.

My reasoning is very simple and I speak out of frustration because this section is a carbon copy of the present subsection 43(5) of the Workers' Compensation Act. We know how much trouble the injured workers have with that section because the board has total power to give a supplement or not to give a supplement. We know what kind of excuses it has been able to find in the past.

We are saying that if the government thinks the supplement is something to which an injured worker is entitled under certain circumstances, this should be spelled out very clearly. Injured workers should have the right to that supplement and not be subjected to the bureaucratic considerations of the board and to guidelines that will change from time to time. Sometimes they will ask the workers to go out and get three signatures a day; if they get only two signatures, they are failing to co-operate with the board.

One other aspect that perturbs me is the fact that an injured worker will not receive a supplement if he fails to accept a job that is available and suitable in the opinion of the board. Why should the board be the only entity able to judge whether the job is suitable or not? We know that in many instances we have the opinion of the family doctor and the opinion of the employer. Why should the board be the entity to decide ultimately whether that job is suitable or not?

Of course, if in this bill we had something called the right to re-employment, perhaps we could also discuss the possibility of accepting his proposal, but there is nothing like that in this bill. We know very well that in many instances vocational rehabilitation and the search for a job become a farce. The minister knows very well that jobs are not available today. He said the economy is not recovering. If jobs are not available, it is a farce to send injured workers out in the cold to look for jobs that do not exist.

I hope the minister understands what we are saying. If he thinks we are wrong, I hope he will stand up and explain why we are wrong and why the board needs such discretionary power.

Mr. Laughren: Mr. Chairman, once more with feeling.

I know the minister has been stonewalling all through this committee debate in the House. I do not understand why he does not accept some amendments that make so much sense and do not imply a substantial cost to the board. Here we have a situation where all the safeguards are built in, as my colleague the member for Dovercourt tried to point out to him.

Look at the admission in subsection 45(5): "where the impairment of the earning capacity of the worker is significantly greater than is usual for the nature and degree of the injury, the board may supplement the amount awarded." There is an admission in there that the disability is greater, that the impairment of earning is greater, for example, than the disability rating of that worker. Since it is already built into the subsection that it must be greater than is normal, what in the world would be unfair or unreasonable about saying that if the earning impairment is worse, the award should be higher? What in the world is wrong with that? It really leaves me puzzled why the minister would not accept that.

10:10 p.m.

The member for Dovercourt mentioned clause 5(a), the reference to the fact that a worker will be disqualified if he "fails to co-operate or is not available for a medical or vocational rehabilitation program which would, in the board's opinion, aid in getting the worker back to work."

Let me give the minister a specific example. There was one case where the board recommended that a worker go to a specialist about a very bad finger that had been crushed. The worker went to the specialist, who recommended the finger be amputated. He said: "That is the only way that makes any sense at all. That is a terribly mangled finger and it is not getting better. You will have problems all your life with that. You should have it amputated." That is a pretty serious thing, to have a finger amputated.

The worker refused to have it amputated. The board was furious and we had to fight to maintain benefits for that worker. The board said, "The opinion is that finger should be amputated." The doctor found a specialist who said: "I can operate on that. I can fix that." The specialist did and the worker's finger was saved and cured. His finger is not a problem now.

There is a case where the board could say under this section, "You are cut off because you did not do what we think you should do." In that situation, the worker was right and the second medical opinion was right. Yet under this

section, the board would have the right to cut off any benefits to that worker because in its view he would not be co-operating as it saw best.

The whole bill is rife with the board's paternalistic attitude towards injured workers. All we tried to do in a few places was to remove that component of paternalism and say, "This is the injured worker's life we are talking about."

In the previous section, members will recall that all we wanted was to have the worker consulted and agree to a commutation for disabilities of 10 per cent or less. Once again, it is terribly paternalistic to say, "The board will know best." The board does not always know best, or our constituency offices would not be filled up with injured workers. The front of the Legislature would not have several thousand injured workers before it every year if the board always knew best.

We are trying to bring some sense to this bill so injured workers have some kind of say and the board treats them in a more evenhanded way. The minister will not even accept amendments such as this, which just require the board to do what it admits should be done, in other words he would not even put the "may" in. If he did not think that should be done, he would not put the word "may" in there; he would leave that section out entirely. If he always thinks there are cases where it should be done, then why does he not say so?

The minister makes it difficult to get legislation through, to expedite legislation without prolonged debate. Nothing would make us happier than to get this legislation through, just one section after another, if the minister would accept the odd amendment that would make things a little better. I understand why the minister does not want to accept some of the amendments, but I do not understand why the minister is stonewalling on something like this or the previous one, about consulting with the injured worker to get the injured worker's agreement.

This is a filibuster of silence; that is something the minister has become a specialist at. I have never seen his equal in this chamber. Between the minister's filibuster of silence and the committee chairman's filibuster of his gavel, it has taken us much longer to get this bill through than we on this side would have liked.

We would like to expedite this bill so some of its improvements could be realized by injured workers. However, as long as the minister persists in sitting there stonewalling the bill, he forces us to engage in prolonged debate in the

hope we will convince him. We could make a point for 30 seconds and sit down, but if the minister did not change his mind, we would feel guilty for a long time that if only we had tried a little harder to convince him, we might have got the amendment through.

So what happens? The member for Dovercourt—

The Deputy Chairman: This is an appropriate time.

Mr. Laughren: To do what?

The Deputy Chairman: To proceed with the stacked votes.

Mr. Laughren: I was just getting cranked up.

The Deputy Chairman: Perhaps the honourable member would allow us to proceed with the approved time schedule. We have two bills stacked for presentation to this House. We will have a 10-minute bell.

10:26 p.m.

EDUCATION AMENDMENT ACT (continued)

Resuming consideration of Bill 119, An Act to amend the Education Act.

The committee divided on Mr. Allen's amendment to section 17, which was negatived on the following vote:

Ayes 34; nays 42.

Section 17, as amended, agreed to.

The committee divided on Mr. Allen's amendment to section 19, which was negatived on the same vote.

Section 19 agreed to.

Bill 119, as amended, ordered to be reported.

On motion by Hon. Mr. Wells, the committee of the whole House reported two bills with certain amendments and progress on another bill.

BUSINESS OF THE HOUSE

Hon. Mr. Wells: Mr. Speaker, I would like to indicate the business for tomorrow and next week.

Tomorrow, December 7, we will do second reading of Bill 140 and, if time permits, committee of the whole House on Bill 141.

On Monday, December 10, in the afternoon our first order of business will be the all-party motion on human rights. That will be followed by committee of the whole House on Bill 101 with votes stacked to 5:45 p.m.

In the evening we will continue, if necessary, with committee of the whole House on Bill 101, with votes stacked to 10:15 p.m. If all the time is

not needed for that, we will deal with the Justice policy field concurrences and Bill 141, if time also permits.

On Tuesday, December 11, in the afternoon we will deal with the Liberal no-confidence motion in the name of the member for Renfrew North (Mr. Conway) which, of course, will be with a division at 5:50 p.m.

On Tuesday night, we will deal with third readings of Bills 77, 93, 109, 145, 149, 147 and 119, followed by second reading and committee of the whole House on Bill 138, and then the Ministry of Health, the Ministry of Citizenship and Culture, and the Provincial Secretariat for Social Development concurrences in supply.

For the remainder of the week, I will announce on Monday or Tuesday what the business will be.

AVIATION AND FIRE MANAGEMENT CENTRES

Mr. Speaker: As previously announced, the member for Nickel Belt has indicated his dissatisfaction with an answer. We shall now hear from him.

Mr. Laughren: Mr. Speaker, on Monday of this week my colleague the member for Algoma (Mr. Wildman) raised a question with the Minister of Natural Resources (Mr. Pope) concerning an inspection done by the Department of Transport on the aircraft of the Ministry of Natural Resources.

The response given by the minister to my colleague prompted us to raise the question again today. In both cases, the minister responded in such a way as to cause us concern and to cause us to want to debate the matter further. The inspection was carried out in September of this year.

Among other things discovered by the Department of Transport were the following: "While there is evidence that your company is not complying with Department of Transport air regulations, air navigation orders and the engineering and inspection manual, this occurred because company management:

"1. Failed to ensure that all maintenance personnel were familiar with and adhered to Department of Transport regulations and the company quality control manual.

"2. Failed to provide an acceptable inspection organization with sufficient personnel to monitor and control the maintenance and inspection of your large, widely dispersed fleet of aircraft.

"3. The chief inspector failed to realize and take action on the inadequacy of your inspection organization which prevented him from carrying

out his duties in accordance with the company quality control manual."

It seems to me those are serious comments made by the Department of Transport. The Department of Transport is required by regulation to carry out those inspections. The minister replied in the following way to my colleague, "The Department of Transport should be doing more with its time than trying to cross-analyse another government agency."

Does the minister not understand that the Department of Transport was doing its job and that it is required to carry out that kind of inspection? Is he implying it should not be carrying out that kind of inspection? I remind the minister that the aircraft in question fly 15,000 hours; I gather that is for a year. They are involved in firefighting, surveying, forest cruising and even mercy flights.

The minister has refused to take this inspection seriously from the moment we raised it. When we ask him if he is going to respond in a positive way to the Department of Transport, he merely smirks and says he thinks the people are doing a good job.

We have never questioned the dedication of the personnel at the Ministry of Natural Resources. This minister has better personnel in his ministry than he deserves. The people within the Ministry of Natural Resources do their best. However, when this minister goes along with cutbacks that reduce the required number of people, then it is not the fault of the people who are doing the job.

It should not need to be said that we believe the people who work at the Ministry of Natural Resources are doing the best job they can. However, when this minister does not give them the wherewithal to do it then he is the one to blame, not the employees of the ministry. Even this afternoon, when my colleague made this

point, the minister tried to make the same point again that somehow we were criticizing the employees. It is very unfair to shift the responsibility to one's employees. The minister has taken a ridiculous position.

Under the management section, the Department of Transport states, "Management has failed to provide an acceptable inspection organization." That has nothing to do with the people who are doing the best job they can. It has to do with the minister's failure to organize his ministry in a proper way so that the good people can carry out the job they are capable of doing.

Hon. Mr. Pope: Mr. Speaker, I can understand why the cleanup hitter for the New Democratic Party has tried to repair the damage done by the member for Algoma to the workers in Sault Ste. Marie on Monday of this week. He mounted nothing less than an unmitigated and unwarranted attack on the competence of the workers at that work place under my ministry. He knows it and has spent the past two days trying to recoup his losses with those very dedicated and competent people in Sault Ste. Marie.

Mr. Wildman: What a ridiculous comment.

Hon. Mr. Pope: The member should not give me any other nonsense. That is exactly what he is doing. I fly those aircraft on a regular basis. I have every confidence in the ability of the staff in Sault Ste. Marie, Toronto and Timmins to do its job. If the New Democratic Party members do not think the employees of this government can do their jobs, I disagree with them.

Mr. Wildman: Mr. Speaker, on a point of privilege: Why do we have to listen to a clown such as that?

Mr. Speaker: Order.

The House adjourned at 10:37 p.m.

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Legislative Assembly of Ontario



Fourth Session, 32nd Parliament
Friday, December 7, 1984

Speaker: Honourable John M. Turner
Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Friday, December 7, 1984

The House met at 10 a.m.

Prayers.

MEMBERS' PRIVILEGES

Mr. Speaker: With reference to the matter raised yesterday by the member for Bellwoods (Mr. McClellan) relating to section 38 of the Legislative Assembly Act, the matter of any member's debts is, of course, between the member and his creditors. However, if the question is whether or not section 38 prohibits any legal action against a member with respect to such debts during the period mentioned in the section, the answer, of course, is yes, it does prohibit such action.

Mr. Spensieri: Mr. Speaker, on a point of privilege: I rise this morning to correct the record. The record needs correction as a result of comments, to which you have referred, by the member for Bellwoods in this House on December 6 arising out of a Sun article of the same date. Both the article and the honourable member's point of privilege are, in my humble submission, calculated to damage and tarnish my reputation.

Mr. Speaker: Order, please. I must point out to the honourable member that you may correct your own record, but you may not correct the record of any other member.

Mr. Nixon: Mr. Speaker, on a point of order: Perhaps I can be of some assistance in this regard, at least to express my own opinion. You are aware of what went on yesterday in the local press; it was raised in this House by the whip of the New Democratic Party. Surely my colleague has an opportunity to use at least a small bit of your time and the time of the House to do what he proposes to do, and that is to correct the record as it affects his own personal life. If he wants to make a personal statement, surely that would be permissible. I really think that under these circumstances he has the right to speak and we have the responsibility to listen.

Mr. Speaker: If I may respond to that, certainly he has a right to make a personal statement, as does any member in this House. I just reiterate that he may correct his own record but not the record of other members.

Mr. Spensieri: Mr. Speaker, if it has to be as a matter of personal statement, so be it. I will keep it on a more general plane.

As members of this House we have no fewer rights than private citizens to dispute, negotiate or otherwise settle commercial accounts for which we are responsible. Shortly before writing the letter that was referred to in the member's statement, I received a letter from Credit Bureau Collections, which I will quote in part. The letter says:

"We will be issuing a writ in seven days unless we hear from you immediately. The purpose of the writ will be to have you examined in small claims court forthwith. You may not only lose time from work, but the cost of the judgement is also payable by you," etc.

While we have the same rights as members, we do not have the luxury of selecting any date on the calendar to attend any venue anywhere in Ontario at this time—Orillia in this particular case—because of our parliamentary, constituency and committee duties, and even political duties to our parties, while the House is in session.

It is for that reason and that reason alone that I chose to avail myself of section 38 to explain to the collection agency the procedural niceties that have to be established and adhered to when it wishes to summon a member in a quasi-judicial or small claims court function.

For the record, given the poisoned atmosphere that has been engendered by the poisoned print of the member of the press gallery, I have offered to settle this claim, notwithstanding the obvious merits and the obvious need for defence. I wish to assure the member for Bellwoods and the press gallery member that they will not be receiving Christmas cards from me.

ORAL QUESTIONS

EASTERN ONTARIO DEVELOPMENT

Mr. Peterson: Mr. Speaker, I have a question for the Minister of Industry and Trade. I read with some interest the discussion of the neglect of eastern Ontario, which was collectively admitted last night, and some of the solutions of his colleagues to address that chronic neglect in every policy area that has gone on in eastern Ontario.

As the minister responsible for regional development, will he not agree that his colleagues have expressed want of confidence in him because of his failure to address the problems in eastern Ontario over a large number of years? For example, he is aware that the percentage of Eastern Ontario Development Corp. loans has dropped dramatically in the past several years. Five years ago, \$22 million was spent on regional development in the east. Last year it was \$6 million, comprising roughly 8.7 per cent of the development budget.

Mr. Speaker: Question, please.

Mr. Peterson: I am sure he is aware that unemployment leaped dramatically in Ottawa-Carleton. According to the figures this morning, unemployment is up by almost two percentage points in Ottawa-Carleton in eastern Ontario. Does he agree with me that they are expressing a real lack of confidence in his ability to address the inequities in eastern Ontario?

Hon. F. S. Miller: I will have to be close to the microphone, Mr. Speaker. I have lost my voice.

Interjections.

Mr. Speaker: Order.

Hon. F. S. Miller: I had better have it back by tomorrow.

Mr. Kerrio: Is the minister sure it was not from hollering at the other three candidates?

Mr. Bradley: At least he did not attack the Premier (Mr. Davis).

Hon. F. S. Miller: No, I would not, because he is the best Premier we have ever had.

My colleague makes a habit of pulling these figures out of the air. Last night, we talked about EODC and the need for more stimulation in the east, but that does not mean there has not been a lot of effort. We had the eastern Ontario subsidiary agreements. EODC has helped a number of corporations. What we did stress was the need in that area to have more reforestation, if possible, because we believe it is an area that shows promise for that. I personally suggested some tax incentives that would help skew the decision for eastern Ontario.

Mr. Peterson: With some sympathy, I say to the minister his eye has gone and his voice has gone. What is next? He is falling apart.

They have collectively expressed some great disapproval, as I said, in the policy of the government towards eastern Ontario. Is he aware that even the Provincial Auditor is critical that his ministry has inflated the job creation figures

through EODC? He projected some 2,856 jobs in the 1983-84 management report. In fact, he has created 52 per cent of those jobs and he is inflating what little he does now to extract as much political credit as he can.

Mr. Speaker: Question, please.

Mr. Peterson: Will he not agree with me that it is time for dramatic action in all these policy areas? As the minister responsible, how is he going to address them?

10:10 a.m.

Hon. F. S. Miller: I do not think we collectively made those kinds of comments at all. Of course, we were addressing the difficulties of an area. With great respect, I want to say to the honourable member that we are never satisfied as long as there are people unemployed. This government will keep on trying to find innovative programs to help people all over this province, whether it is in the north or in the east. We have had the EODC and we have had special agreements for those areas because they need special attention.

I would go to the riding of the colleague to the left of the member and point out that in the past year and a half we have done a great deal for the city of Pembroke; we brought in a lot of money for sewers and watermains, for industrial parks and for Timbertown. We have gone to Renfrew with Ontario Development Corp. assistance. We have gone to Arnprior with assistance. The member had better go down there once in a while and find out that we and not the Liberals still sweep that country.

Mr. Foulds: Mr. Speaker, I would like to ask the Minister of Industry and Trade, in view of the fact that he refuses to establish a ministry on behalf of eastern Ontario, whether he thinks his special program of inflating the figures of jobs created by EODC by 90 per cent is an adequate response to genuine job creation in eastern Ontario.

Hon. F. S. Miller: Of course not, Mr. Speaker. There was a technical error and it was picked up by the auditor; it was nothing deliberate. Indeed, we still had lots of new jobs created by the development corporations. Why are members in the opposition so anxious to have us approve those loans if they do not think they create jobs? They know they do.

Mr. Peterson: The litany of neglect goes on and on. The minister knows that Ottawa-Carleton, for example, has one of the lowest vacancy rates of any area in Ontario. He realizes

the tile drainage support is lower than in any other area in the province.

Mr. Speaker: Question, please.

Mr. Peterson: The minister is aware that the availability of hospital beds in Ottawa-Carleton, being 3.2 per cent, is below the provincial average of 3.5 per cent. He is aware that the road situation is deplorable, with 30 per cent of the roads in Ottawa-Carleton below provincial standards, 79 per cent in Prescott-Russell and 72 per cent in Stormont, Dundas and Glengarry. The list of neglect goes on.

Mr. Speaker: Question, please.

Mr. Peterson: Where does the minister stand on his colleague's proposal to have a separate ministry of eastern Ontario development to address this chronic tale of neglect?

Hon. F. S. Miller: First, the member is going to discover on December 13 that his party is not doing as well as he thinks it is. Second, I do not believe a special ministry is required. I believe the policies can be sharpened for the area.

RECYCLING

Mr. Peterson: Mr. Speaker, I have another question for the Minister of Industry and Trade. I know he is in failing health and does not look well; the evidence of that is everywhere.

I want to ask the minister a question about an impending decision his cabinet colleagues are going to have to make, particularly the Minister of the Environment (Mr. Brandt), obviously with his advice. I refer to the question of steel cans in this province and some kind of refillable, recyclable container, aluminum, glass or plastic.

Is the minister aware that there are currently some 600 jobs at stake in the Ontario steel industry? Since that comes directly under his ministry, has he made strong representations to his colleague the Minister of the Environment, who has delayed this decision now for a year or two and is unwilling to deal with it? Is the minister giving him advice that we cannot abandon our present policy and must maintain those jobs in the Ontario steel industry and that we should not change that policy?

Hon. F. S. Miller: Mr. Speaker, the honourable member is picking his areas very carefully today. He knows the advice I give my colleague—

Interjections.

Mr. Speaker: Order.

Hon. F. S. Miller: If I followed my doctor's advice—she is just over there—I would not be saying a word. She said, "Don't say anything for 24 hours."

Mr. Foulds: That has nothing to do with the minister's physical health. It is to protect his political health.

Mr. Speaker: Order.

Hon. F. S. Miller: I can only point out to my friend that he has made a selective choice of statistics. The advice I give my colleague in cabinet, as the member knows, is mine to give and not his to know. I point out to him, though, that the alternative kinds of containers all have job content and many of them have other advantages.

There would be a lot of jobs in the recycling of aluminum cans, if they were chosen. I have seen statistics that show there may be more jobs, in total, with aluminum cans and glass containers than there would be with steel. There would also be less problem because the value of aluminum is so high. I think it is about \$900 a ton on a recycled basis.

We would not have as much solid waste, and that is one of the objectives of the Ministry of the Environment. I suspect and hope it is one of the member's objectives that we do not continue to fill every available piece of empty land in this province with garbage. One has to assess not only the environmental impact but also the jobs. We should do a fair job by measuring all the jobs, not just some of the jobs.

Mr. Peterson: Does that mean the minister is rationalizing a change of policy? Does that mean—I am trying to interpret the minister's words—his government has changed its policy in this regard and he now is explaining and rationalizing that, or does he not feel he has a responsibility to lay those figures clearly in front of this House and to protect the people of Hamilton, particularly their jobs? At present, there are 24,000 unemployed, and there are still layoffs in the steel industry. Surely it should be the minister's responsibility to stand up and speak for that. Would the minister not agree, or is that not his responsibility in this matter?

Hon. F. S. Miller: I speak for jobs in all parts of the province.

Mr. Charlton: Mr. Speaker, part of the discussion, as the minister has said, is around the question of recycling. In all the discussions that have gone on so far, there has been no indication that this government is prepared to play a major role in ensuring the recycling and collection system is set up. If the government is going to move to other, more recyclable types of containers for carbonated pop, will it ensure that the

collection and recycling system is set up so some of what the minister is talking about will occur?

Hon. F. S. Miller: Mr. Speaker, I will redirect that to the Minister of the Environment.

Hon. Mr. Brandt: Mr. Speaker, I am sure the honourable member opposite knows this government has committed well over \$1 million a year for a recycling program. In addition, the delay with respect to the policy that was raised in an earlier question is singularly because of the difficulties we have had in developing a very comprehensive, province-wide recycling program.

This is going to require the co-operation of industry, and we are taking a look at not only the job question my colleague spoke of earlier but also a very comprehensive recycling program. I want to assure the member that all the components of this very complicated and difficult issue are being looked at. I hope to come forward with a policy that will meet all those challenges and all those questions.

Mr. Peterson: Mr. Speaker, does that mean the minister is going to change his policy, and he is just looking for a way to explain it and to implement the recycling program? Is that what he is saying in this House? Clearly, it sounds like the Minister of the Environment, along with the Minister of Industry and Trade, is rationalizing now, in advance, a change of policy. If he is not, he should stand up in this House and say it. Surely he owes us some clear answers after he has been fooling around with this question for years and creating a great deal of uncertainty with respect to jobs in this province. What is the minister's policy?

Hon. Mr. Brandt: One thing I know, Mr. Speaker, is that the Leader of the Opposition does not have a position or a policy on this, other than that during a free day this week he happened to go spinning through the great community of Hamilton and probably heard from Hamilton that there is some concern with respect to the viability of the steel industry as it relates to the bottles-and-cans policy.

There is no change of policy on the part of this government. We are looking very carefully at the whole question of bottles and cans, and as my colleague mentioned in his response to the member, we are looking at all segments of the industry. I want to assure the member and the residents of Hamilton that we are particularly sensitive to the needs of that community and that we are going to do everything we can to protect the jobs in Hamilton to the extent it is possible on the part of this government.

Mr. Martel: The government has had 10 or 12 years to develop the policy.

Mr. Speaker: Order.

10:20 a.m.

Mr. Foulds: Mr. Speaker, I have a question of the Minister of Industry and Trade (Mr. F. S. Miller), who indicated he would be back shortly. I will stand down my question for my colleague the member for Welland-Thorold (Mr. Swart).

TELEPHONE RATES

Mr. Swart: Mr. Speaker, my question is to the Minister of Transportation and Communications. It concerns the deregulation of long-distance telephone service, a matter I raised in this House more than a month ago. My colleague the member for Cornwall (Mr. Samis) raised it in the minister's estimates just a day or two ago.

Does the minister recall that when I called for a special debate on November 5 he opposed it? Hansard quotes him as saying: "Before the hearing winds up, whenever that may be, my ministry representatives will be making a very strong appearance before the CRTC to deal with this matter.... We will do so as soon as we get the opportunity, and that will be within the next few days when our position appears on the slate."

Mr. Speaker: Question, please.

Mr. Swart: In spite of that commitment, is it not true that the hearings wound up exactly three weeks ago today and he took no stand whatsoever at those hearings? Why did he not carry out his commitment? What is his government's position? Is he for or against the proposed deregulation?

Hon. Mr. Snow: Mr. Speaker, our position will be made known very soon. The hearings have been held. We were present at the hearings, as I told the honourable member, continually monitoring all the input from all the specific interest groups.

My senior staff are now preparing the final argument to be presented to the Canadian Radio-television and Telecommunications Commission. They are doing this in conjunction with my colleague the Minister of Consumer and Commercial Relations (Mr. Elgie) because his ministry, on behalf of the consumers of Ontario, also has a very keen interest in the position of this government; so we will be going forward with a co-ordinated position of my ministry and Consumer and Commercial Relations.

My colleague the Minister of Community and Social Services (Mr. Drea) also has people on that committee working on the position because

he feels he has a responsibility to his interest groups in this province with regard to telephone rates.

If the member is not aware, I will make him aware that I believe the final day for argument is December 24. Our position paper, our final argument paper, is being put together very carefully by the ministers and ministries I have mentioned. That paper will be presented to the CRTC before its final argument time is over.

Mr. Swart: I am quite amazed at the minister's answer. He seems to think he is sitting there as a sort of judge to hear all sides and then make a decision.

Mr. Speaker: Question, please.

Mr. Swart: Does he not realize there was a greater opportunity there, where in the cross-examination he could have battled on the side of the consumers, particularly the residential consumers, who have very little voice?

Did he not read his own comprehensive studies, which I have here, showing that if no revenue transfers were made from long-distance to local rates, such local rates would increase by more than 100 per cent and the cost of the local rates would go up by more than \$1 billion a year? Will he now, before the deadline on December 24, which I know about, make a written submission to the CRTC protecting Ontario local Bell customers by strenuously opposing the deregulation proposal? Let us have an answer here today.

Hon. Mr. Snow: I am not going to say to the member or make a commitment to him that I am going to put in a proposal that he was right, because I am sure there will be some philosophical differences between his opinion and what we feel the opinion of this government will be in the best interests of the citizens of Ontario. We happen to be responsible and feel that we have to answer to all the citizens of Ontario, not one narrow interest group that he might perhaps be involved in.

I assure the member, in response to the part of his question about the fact that we will submit our paper before December 24, that yes, this will be done. I said that in my first answer and I do not know why it was necessary for a second supplementary to ask me the same question again.

Mr. Nixon: Mr. Speaker, since the statistics, which the minister is aware of, indicate that in Ontario and Quebec as many as 400,000 people will have to give up their personal telephone service if the deregulation goes forward, would

the minister not agree that we as members of the House share his responsibility, since many of our constituents will be directly affected if his stand is not appropriately taken? Would he not guarantee he would give the government's position to this House before it is presented at the hearing?

Hon. Mr. Snow: No, Mr. Speaker.

Mr. Swart: I want to say the answer of the minister is almost scary, especially when he refers to consumers as a narrow interest group.

Mr. Speaker: Question, please.

Mr. Swart: Does the minister not know that deregulation in the United States and all the evidence that he has point to a tremendous increase in local rates if the deregulation goes through? Is he aware, for instance, that in the United States the local rates went up 37 per cent in the first nine months of this year after deregulation? A congressional study said, "The pending local rate increases are of unprecedented size and show no signs of stabilizing."

Is it not true the minister is siding with the major corporations that were at the hearings and want the lower long-distance rates? He is going to permit the residential consumers of this province to be substantially penalized on behalf of his corporate friends.

Hon. Mr. Snow: No, I am not aware of any of those things the honourable member is talking about. I can assure him—

Mr. Swart: Go and look at what happened in the United States and then you will know.

Mr. Speaker: Order.

Hon. Mr. Snow: I happen to have a telephone in the United States also and my bill has not changed five cents since the so-called deregulation or the splitting-up of the Bell system there. I have a little bit of personal experience of that.

I am certainly aware of the studies that have been done, but I can assure the member that in the presentations of my ministry on behalf of the government of Ontario to the CRTC we will be making recommendations that would not allow the things to happen that he is trying to use as scare tactics here in the Legislature.

EASTERN ONTARIO DEVELOPMENT

Mr. Foulds: Mr. Speaker, I just had a note that the Minister of Industry and Trade (Mr. F. S. Miller) is on his way in. I appreciate that he at least is here, unlike the Premier (Mr. Davis) and the other leadership candidates.

Mr. Speaker: Now for the question.

Mr. Foulds: Now for the question. Since the auditor has documented in his report on the Eastern Ontario Development Corp. that this ministry has inflated the job creation figures through EODC programs by 90 per cent, why does the minister oppose the creation of a ministry of eastern affairs and why will he not accept the recommendations of the auditor to improve ministry accounting of those jobs?

Hon. F. S. Miller: Mr. Speaker, in the absence of the honourable member's leader, I am pleased to answer his question. I would simply say—

Mr. Eakins: Don't get hoarse yourself.

Hon. F. S. Miller: No, but I am in a "hoarse" race.

Mr. Speaker: Now for the answer.

Hon. F. S. Miller: I am not used to leaning over the table like this.

Mr. Speaker: Having said that, may we have the answer, please.

Hon. F. S. Miller: There is absolutely no relationship between the two parts of the member's question. The statistical points the auditor brought out, which were valid and which are being corrected, have nothing to do with whether we do need or do not need a separate ministry for eastern Ontario. We will certainly follow the auditor's advice and improve our data collection processes.

On the other hand, I would suggest to the member that there is no reason to create more bureaucracy within the government of Ontario unless there is a very real objective in so doing.

10:30 a.m.

Mr. Foulds: Did I understand the minister to say the creation of a Ministry of Northern Affairs was a bureaucracy? Furthermore, did I understand the minister to say in his reply he was taking steps to correct the situation? The ministry's response in the auditor's report indicates: "We agree that these statistics should be accurately labelled. However, we do not agree with the suggestions made as they add unnecessary complications to a very rough and ready tool."

Will the minister stop inflating the job creation figures in the programs of the Eastern Ontario Development Corp. and Ontario Development Corp.?

Hon. F. S. Miller: I do not intend to inflate figures. Very often, the press or the people in the opposition will ask me to give estimates of jobs that will be created by whatever program,

especially when I was Treasurer. I usually tried to avoid that because of the games people play with figures.

I simply believe that if one helps create small industries, one creates more jobs. We do our best to measure them without spending a lot of taxpayers' money. Jobs are created by the Northern Ontario Development Corp., EODC, etc. Second, I point out that the logistical problems of northern and eastern Ontario are somewhat different.

Mr. Peterson: Mr. Speaker, the minister obviously gave those grants on the basis of certain operating assumptions and they have proved to be wrong. Is he now admitting his programs have been a failure and have not delivered the jobs he intended to create?

Hon. F. S. Miller: No, Mr. Speaker.

Mr. Foulds: Does the minister admit the auditor caught his ministry almost doubling the figures for the number of jobs created through the Eastern Ontario Development Corp.? What steps is the minister going to take to ensure that the jobs his ministry says are created in eastern Ontario are actually created in eastern Ontario?

Hon. F. S. Miller: First, no one ever knows exactly how many jobs are created by any action. Does the member accept that? We do our best to approximate it. One can spend a lot of money on approximations. The major objective of a loan is to help a small business survive. If a small business survives, I am satisfied that jobs are protected and created. We have done both and we have done it very well.

GOVERNMENT SPENDING

Mr. Peterson: Mr. Speaker, I have a question for the Provincial Secretary for Justice. I congratulate him; he was the star of this year's Provincial Auditor's report. I want to ask him a question with respect to his spending.

As the minister will recall, we had discussions about the stage-managing of the opening of the various technology centres when he was the minister and he said they were handled so brilliantly. Does he think it is appropriate to spend public money to take down a wall in a hotel in Sudbury so that he could move a machine in to have his picture taken sitting on the machine, and then having to replace that wall?

The minister could have had his picture taken sitting on that machine outside in the parking lot. Does he think this is an appropriate expenditure of public money when he is one of the people who does not like government spending all that much?

Hon. Mr. Walker: Mr. Speaker, I can say very clearly that was one of the most justifiable expenditures I have ever seen. That was one of the most interesting exhibits to go on. That particular technology centre—

Interjections.

Hon. Mr. Walker: Hold on for a moment.

Mr. Speaker: Order.

Hon. Mr. Walker: They will have an opportunity to tackle in a few minutes, if they want; however, if they would not mind, they should hold off until then.

I can say to the Leader of the Opposition that particular display was a special display of the mining and technology machinery of the north. It was a special experiment that the member for Sudbury (Mr. Gordon) would say would be very well received in the north. This was the first time we brought that machinery together.

Given it was in the middle of December a couple of years ago when that event occurred, the member can understand why we did not want all the people to see these machines outside. It was a display of the machinery; it was inside; it was a modest expense. It was even cheaper than the reception held by the Leader of the Opposition, with which he had so much difficulty.

Mr. Peterson: The minister also thought his book was a legitimate expenditure of taxpayers' money.

If it is so wonderful, why did the minister have the member for Sudbury authorize tearing down the wall? Why was it not part of the regular program stage-managed by his friends to put this thing together? Why is it a last-minute decision made by him? Why is the minister tearing down hotels in the name of his own self-glorification?

Hon. Mr. Walker: I think the answer is very clear: it was the only way we could get the machinery inside.

PLANT SHUTDOWN

Mr. Laughren: Mr. Speaker, I have a question for the Minister of Northern Affairs concerning the closure of Griffith mine at Ear Falls in the minister's own riding. I believe there was a very high-level government meeting yesterday between cabinet members and Stelco to determine the fate of that mine and whether there would be an extension of the April closing date.

Would the minister bring us up to date on the results of that meeting, what position he put at the meeting and what the position of Stelco was, so that we can assure the people in Ear Falls and Red

Lake that they will no longer be in limbo wondering what is going to happen?

Hon. Mr. Bernier: Mr. Speaker, I appreciate the honourable member's concern about the closure of Griffith mine. As he is well aware, we have had numerous meetings with the company over the last two weeks. We have had meetings with the union and the municipalities. Last week, the chambers of commerce were down from Red Lake and Ear Falls. They met with principals of Stelco. I was told there was to be a high-level meeting yesterday with the Premier (Mr. Davis) and the chief executive officer, Mr. Allan. I was not there and I have not heard the results of that meeting yet.

Mr. Laughren: I have an incredulous supplementary. Is the minister saying he was not in attendance or was not invited to that high-level meeting between the Premier and Stelco? That is truly remarkable considering he is the Minister of Northern Affairs and the community is in his riding.

Since there is an enormous amount at stake in that community, as the mayor of Ear Falls would be quick to tell the minister, I wonder whether he has heard the story that in Schefferville, when the mine closed, a laid-off worker bit off the ear of the mayor of that community. Is the minister not concerned about the health of his friend, Mr. Leschuk, in Ear Falls? Finally, why would the minister not be in attendance at a meeting about the closure of a mine in his own community? How is that possible?

Hon. Mr. Bernier: I know the reeve of Ear Falls very well. I do not think he will be biting anybody's ear off, nor will anybody be biting his ear off. That is sure. Nobody will get near him.

An hon. member: He is the bitee.

Hon. Mr. Bernier: The bitee or the biter.

Mr. Wildman: That is why it is called Ear Falls.

Hon. Mr. Bernier: I am confident that the meetings and discussions that go on at the Premier's level will come down to us in the fullness of time. He is aware of our concerns, as expressed by my other cabinet colleagues, the Minister of Labour (Mr. Ramsay), the Minister of Natural Resources (Mr. Pope) and the Minister of Industry and Trade (Mr. F. S. Miller). We have had some in-depth discussions and I am looking forward to the results of those meetings when they come down to us.

Mr. Peterson: Mr. Speaker, let me ask the minister a specific question. He is aware that the mine is operated under lease. If they close down

that mine, will he insist that none of the equipment will be removed and there will be a possibility of pursuing some other operator for that mine? Will he make that solemn commitment now? As he knows, it is getting very serious and there is a possibility of finding another operator for that mine. Will he make the commitment they will not remove the equipment?

Hon. Mr. Bernier: Mr. Speaker, as the Leader of the Opposition knows, the Premier directed a letter to the chief executive officer the day the announcement was made asking that they reconsider their decision and, if the economics are not there, that they give us a further length of time with respect to the closure. Since that time, my colleagues the Minister of Labour, the Minister of Industry and Trade and the Minister of Natural Resources have met with the company.

I have met the lessees, the Conwest people, to impress on them that the contractual arrangements should be adjusted to allow what the member has suggested, that the mill remain on the site. Once that dam is busted, the open pit filled, and the mine equipment and the mine itself removed, it is highly unlikely anything will ever be replaced. We are asking them to leave it there and to mothball it in the hope that something else will come down the stream. I am confident it will.

10:40 a.m.

Mr. Peterson: It is not Conwest's equipment; it is Pickands Mather's equipment.

Mr. Speaker: Order.

BRANTFORD MANUFACTURING PLANT

Mr. Nixon: Mr. Speaker, I have a question of the Minister of Industry and Trade. The minister has been criticized for being overenthusiastic in the projection of the numbers of jobs created by his initiative. Does he recall making a trans-Atlantic phone call to the Brantford Expositor in March 1984 announcing that a Belgian firm, OSB, would be making a \$9-million investment in a Brantford manufacturing plant and that precisely 59 workers would be employed?

Hon. F. S. Miller: Very well, Mr. Speaker.

Mr. Nixon: What happened to that?

Hon. F. S. Miller: I have not had the chance to say any more.

Mr. Nixon: Oh, I thought maybe the minister was just—

Hon. F. S. Miller: That is all right. My friend can go ahead.

Mr. Speaker: New question. I saw you stand up twice and ask two questions, and that is all you are allowed.

Mr. Nixon: I did not want to interrupt, Mr. Speaker, and I do not want to interrupt you, but with your permission, I would like to put a supplementary.

Mr. Speaker: All right.

Mr. Nixon: Will the minister tell us what happened to that specific projection, which he released locally by trans-Atlantic telephone call with all the puffery that his staff could possibly pump into it?

Hon. F. S. Miller: I hardly think the latter part is accurate. There was very little puffery. I did it myself.

Mr. Nixon: The minister is very good at that.

Hon. F. S. Miller: No, I am not, not unless I am talking about myself.

In this case I was in Europe, in Brussels. I met the company. It had a difficulty with the Foreign Investment Review Agency application. I called directly to the minister responsible for FIRA and got an oral clearance for their application on the telephone. At that point in our history, that was the last problem they faced. It was their understanding that they had funding arranged under IRDP, the industrial and regional development program, and they asked me to make sure we would have some Ontario Development Corp. funding. I told them, assuming the figures they gave me were accurate, I would ask the ODC board to review it and that probably their application would be approved. Indeed, it was; approval in principle was given.

The IRDP funding turned out to be considerably less than the company estimated. IRDP, as the honourable member knows, is a federal program. When the IRDP funding was lower than they believed it would be, they deemed the operation was not economically feasible and they simply refused to come to Canada.

I do not know whether they have made any other decisions to go anywhere else in the world. As a matter of fact, the moment I saw the rescission request on that, I asked for information to see whether we still had a chance to convince them and the federal government to get together to make that job opportunity possible.

AMBULANCE LABOUR DISPUTE

Mr. Cooke: Mr. Speaker, I have a question of the Minister of Labour in the absence of the Minister of Health (Mr. Norton). It is regarding

the strike at the McKechnie Ambulance Service in Collingwood.

First of all, I want to ask the minister whether he is aware that the employees of the private operator of that ambulance service have had no contract since June 30, that there has been a strike since December 3 and that the employees are getting \$1 an hour less than the Ministry of Health ambulance drivers get where the Ministry of Health runs the service directly.

The ambulance service offered them 3.9 per cent, while at the same time an arbitrator's report came down and gave the ministry staff a 6.5 per cent increase, which means the spread is going to be even greater. In view of these discrepancies for people who are doing exactly the same work for the government, does the minister feel that is a fair offer? Does he not agree the workers have been forced out on strike by a private ambulance operator who is just unwilling to make a decent offer to employees in this province?

Hon. Mr. Ramsay: Mr. Speaker, I am aware of the circumstances. I have to say, as I have said before, I do not comment during these work stoppages on the position of the respective parties; that would be counterproductive to resolving them.

The honourable member is correct; it is a private operator. However, it is not just in ambulance services, but also in many other services, where the private sector pays less than the public sector.

Mr. Cooke: All the money comes from the Ministry of Health; so the matter could be settled very quickly. Since the minister says he takes a hands-off approach, I wonder whether is also aware that the Ministry of Health is not taking a hands-off approach in this labour dispute. In fact, management staff is running the ambulance service.

The Ministry of Health is paying these management people substantially more than what the ambulance drivers are getting paid, and they are put up in a hotel. The extra costs the Minister of Health is pouring into this area to provide ambulance service while the strike is on could settle the strike if the Ministry of Health would simply become directly involved.

Would the minister at least talk directly to the Minister of Health and suggest that the best way of settling this dispute and other disputes with private ambulance operators is for the Ministry of Health to negotiate directly with the Ontario Public Service Employees Union rather than taking this in-between step, which is really

irrelevant since the Minister of Health controls the purse strings?

Hon. Mr. Ramsay: Mr. Speaker, I will be pleased to speak to the Minister of Health. I am not sure I am going to make any recommendations to him, but I will certainly discuss the matter with him and do so at the earliest opportunity.

PORT WELLER DRY DOCKS

Mr. Bradley: Mr. Speaker, I have a question for the Minister of Industry and Trade. The minister will be aware that the Niagara Peninsula, particularly the eastern end of the Niagara Peninsula, has been among those parts of the province that have experienced very high unemployment. At one time in the middle of winter, it was 22 per cent and it is still higher than the national average.

Port Weller Dry Docks in St. Catharines once had 850 employees at its peak and it is down to 350 employees at last count. As the minister may recall, in November 1983 and again this session, I raised with the Treasurer (Mr. Grossman) the possibility of Port Weller Dry Docks receiving financial assistance from the provincial government to help to alleviate the serious unemployment situation that is facing the former employees of the drydock.

Would the minister indicate to the House whether he is now prepared to announce funding for Port Weller Dry Docks similar to the funding made available in Collingwood, in the riding of the Chairman of Management Board of Cabinet (Mr. McCague)? I believe \$1.5 million was provided to the Collingwood shipyard and used to help to construct a state-of-the-art freighter. Is the minister prepared to offer, agree to and announce the same assistance to Port Weller Dry Docks?

Hon. F. S. Miller: Mr. Speaker, the short answer is yes. Indeed, that was one of the caveats I put into the Collingwood deal. The Collingwood deal was, as the member said, for a specialized self-unloading vessel, probably the largest built so far on the Great Lakes, and a state-of-the-art development which we felt was worthy of some assistance. It was for the Paterson Steamship Lines. I believe it is the first freighter of that size they have purchased and probably the first new one for some time.

We also felt there was going to be quite a slump in the Collingwood shipyards' employment statistics if they did not win that contract. We looked at the man-hours per month over the next three years and that contract nicely kept

them fully employed. I have been through Port Weller Dry Docks at least twice. I have talked to the manager of Port Weller Dry Docks within the last 48 hours and to the owner of the company within the last 48 hours.

The member will recall that in the Board of Industrial Leadership and Development document we allowed \$12 million to \$15 million for the expansion of Port Weller Dry Docks and the addition of an extra dock so they could build as well as repair. They basically depend upon repair business these days more than refitting. It is ideally located for that, much better than Collingwood.

We will certainly do so, but we have to have the same set of conditions. There has to be an order to which to apply the assistance. The problem with the orders, as they will tell the member, is that naval orders they could have done and for which they did engineering have been directed to the east and west coasts and are costing us dearly. Ontario has one of the few unsubsidized shipbuilding industries in the world.

10:50 a.m.

Mr. Bradley: I understand what the minister is saying in terms of the building of the ships. In terms of the expansion and improvement of the facilities so Port Weller can be even more competitive than it is at present and more able to handle almost any kind of job, when I directed this question to the Treasurer during his estimates, he indicated that one of the real problems was that the federal government would not move to indicate its participation in this program specifically for improving and expanding the facilities.

Would the minister report to us whether now, with the new government in Ottawa, he has been able to persuade his friends in Ottawa to provide that money so we can move forward with at least that portion of the funding for the Port Weller Dry Docks devoted to expanding and improving facilities?

Hon. F. S. Miller: Mr. Speaker, that is really the domain of the Treasurer. I assume he will be having those discussions because he is currently working out his new agreements with the federal government. He signed the first one within the last week or so. I suspect he is pursuing that at this moment.

It is a very difficult time to ask anyone to make an investment in larger facilities when they are struggling to maintain the existing ones. The member is quite accurate that the state-of-the-art steel-cutting and pattern-forming in that factory

is probably the best in Canada. I wish to goodness they were allowed to win their contracts on the basis of competitive bidding. Then they would be very busy.

MILK PRICES

Mr. Wildman: Mr. Speaker, I have a question for the Minister of Consumer and Commercial Relations with regard to the community of Wawa. I realize there has been a tragedy in Wawa—the Minister of Labour (Mr. Ramsay) indicated to me there was one more mining death there last night—but this is on another matter.

Is the minister aware that, according to figures provided by his own ministry, retail prices for two per cent partly skimmed milk in Wawa average between 58 cents and 86 cents more than retail prices in Sault Ste. Marie, which until recently had one of the highest prices for milk in Ontario because of the Beatrice Foods monopoly? These prices were from June 1983 to June 1984.

Is the minister also aware that the average price of a four-litre pouch of homogenized milk to Wawa consumers in August 1984 was \$4.57? If he is aware, what action is he prepared to take to initiate measures by the provincial government to lower retail milk prices in Wawa as requested by 132 petitioners from Wawa, Hawk Junction, Missanabie and Dubreuilville? We have equalized beer prices across the province; surely we can do the same for milk prices.

Hon. Mr. Elgie: Mr. Speaker, I do not think anyone disputes the fact that smaller communities do not necessarily have the advantages of large communities with regard to getting volume discounts. There are extra transportation costs involved. Frankly, I do not know what the answer to that is. If the member is suggesting there should be cross-subsidization from others throughout the province for that, that is a recommendation to which the government would have to give some consideration. I do not know any other answer, unless that is what he is suggesting.

Mr. Wildman: Is the minister aware that Wawa is supplied by Beatrice Foods in Sault Ste. Marie through a local licensee, the liquefied petroleum gas distributor, who charges a 10 per cent higher wholesale price to Wawa retailers than Beatrice charges Sault Ste. Marie retailers?

Is he aware that such distributors in small northern communities operate as wholesale monopolies because they maintain local dairy licences even though they are not processing

milk? Since it appears these dummy dairies produce nothing but higher milk prices, why allow such monopolies to be perpetuated?

Hon. Mr. Elgie: With respect, this ministry is not involved in the licensing of dairies in the north. That question should be addressed to the proper minister.

LOCATION OF TOWER

Mr. Elston: Mr. Speaker, I have a question for the entertainer, the Minister of the Environment, who is well known for his song-and-dance routines, not only here but at other parties.

I have a question for the minister concerning transmission of entertainment into eastern Ontario. The minister will be aware that people from Gores Landing are having considerable difficulty in receiving a reply, an answer, a decision from this minister with respect to the location of a television tower for TVOntario in their area. They have requested that the minister provide an opportunity for them to appear at an environmental assessment hearing with respect to the location of that tower. Would the minister provide us with an answer this morning as to his decision with respect to that matter?

Hon. Mr. Brandt: Mr. Speaker, I want to thank the honourable member for an endorsement that goes on to indicate just one more time there is nothing but harmony on this side of the House and nothing but disharmony over there. The fact of the matter is that we, as a group, happen to be prepared at all times to work together in a most melodious fashion.

Interjections.

Mr. Speaker: Order.

Hon. Mr. Brandt: I feel as if I am being attacked.

With respect to the proposed TV tower in eastern Ontario, my staff has been doing a very comprehensive review of the location, particularly in relation to the aesthetics of the area, because it is a very sensitive area in many respects. It is a rather historical area and we are looking at it in light of all those conditions.

I have written to all the people who have indicated a concern to me. I have spoken to the member for that area on a number of occasions. At this time, I believe an environmental assessment is not necessary and certainly is not required. I believe TVOntario, in response to the needs of that area, has indicated a precise location which is not going to be environmentally upsetting in any way, shape or form. I can give the member that undertaking today.

Mr. Elston: The minister will perhaps be aware of the indications I have received that this tower will be rated in the top eight out of 98 towers in the province in terms of the rating for effective radiated power emissions.

The minister will also be aware he has received support for an environmental assessment hearing request, not only from his friend the Minister of Tourism and Recreation (Mr. Baetz) but also from the member for Northumberland (Mr. Sheppard) and from his federal colleague, the Honourable George Hees, who have all indicated in writing they wish to support the request for a hearing.

Mr. Speaker: Question, please.

Mr. Elston: Will the minister indicate to us today that he is willing to go along with the request of those honourable members in the spirit of co-operation and harmony in his caucus and cabinet to indicate there will be an environmental assessment hearing?

Hon. Mr. Brandt: I thought I had answered that already. I am not prepared to go along with an environmental assessment on the undertaking proposed. I can assure the member that every single concern that has been raised by the people of that area, including the honourable members he mentioned—and they are very honourable members—has been taken into account. For example, the questions of the location and height of the tower and the type of radiation emitted by the tower have all been taken into account.

The difficulty we have on this side of the House is that we have to make decisions. We cannot waffle like the members opposite who have the luxury of being able to take four, five or six positions on a given question. We do not have that luxury. We happen to be decision-makers over here.

WATER AND SEWAGE SYSTEMS

Mr. Charlton: Mr. Speaker, I have a question for the Minister of the Environment. Perhaps the minister would like to take a moment to talk about the aesthetics in the Kirkland Lake-Round Lake area. He is no doubt aware that next Tuesday the sewage treatment plant in Kirkland Lake will be shut down for some 16 hours for maintenance. During that 16 hours, some two to three million gallons of semi-treated and untreated sewage will be deposited in Murdock Creek and eventually in Round Lake, which is a recreation area.

Can the minister tell us why in 1984 we still have single-circuit sewage treatment plants in this province which, if they have to be shut down

for maintenance or breakdown, are totally incapable of handling the sewage they were intended to handle in the first place?

11 a.m.

Hon. Mr. Brandt: Mr. Speaker, it is not unusual for a sewage treatment plant, because of operating conditions at a particular time, to have a breakdown for a short period such as in the highly intensive storm that happened in Toronto or for minor repairs. That type of shutdown for a very limited, focused, narrow period of time in relation to a repair requirement in the plant is not unusual and is not going to be particularly degrading in its environmental impact. In every instance my staff review the situation and determine whether the environment is capable of taking that type of loading in terms of the discharge of the effluent to make absolutely certain it can be done.

Let me give members an example of the headway this province has made. We now have sewage treatment plants in this province that are capable of servicing 96 per cent of the urban population of Ontario. When the honourable member suggests to me we are something less than adequate in the headway we have made in this province, I have to point out to him that our sister province to the east now has some nine per cent treatment, about one 10th the treatment we have here in Ontario.

Instead of criticizing us, the members opposite occasionally should be applauding the kind of progress we are making over here.

Mr. Charlton: Mr. Speaker, I will applaud the minister when he starts talking straight to the people of Ontario. According to Mr. Gillespie of his ministry there are numerous plants around this province like the Kirkland Lake plant. We have one such plant that broke down, was shut down and dumped raw sewage out for a full four months. That is not a short and adequate situation.

Mr. Speaker: Question, please.

Mr. Charlton: The minister has been bragging both in estimates and in the House that he is able to cut the expenditures of his ministry because he has done such a good job and because there is nothing left to spend the money on for sewage treatment in this province. We have umpteen plants like this that are not able to handle the capacity of the communities.

Mr. Speaker: Question, please.

Mr. Charlton: When is the minister going to come up with the money—in this case about \$1

million—to retrofit that plant so we do not have to face this kind of situation in the future?

Hon. Mr. Brandt: Everyone is aware of the problem that the honourable member is pointing out. It is a short-term problem. It has been approved by my staff after a very careful review.

As is always the case with the kinds of solutions that are developed by the members of the third party, they see a problem and throw \$1 million at it; they see another problem, another \$1 million. They are the great spenders over there; every problem has a dollar solution.

Mr. McClellan: Just dump the sewage.

Mr. Martel: You would not even make a fifth candidate now.

Hon. Mr. Brandt: I am trying—I know sometimes I am very trying, but I am trying at the moment. If they are through, I will finish answering the question.

The reality is that in every single budget developed by this ministry we have incorporated very extensive development of our sewage treatment program in this province. The fact that we are now up to 96 per cent did not happen by accident. It happened because of the commitment of this government to the people of Ontario, something the members opposite ought to take account of once in a while.

RIDE PROGRAM

Mr. Spensieri: Mr. Speaker, my question is to the Solicitor General and it concerns RIDE, the reduce impaired driving everywhere program. The minister will know that to date there has been no effective way of determining the cost-benefit analysis and the effectiveness of the RIDE program. In fact, the interministry task force of the Premier (Mr. Davis) stated that attempts to assess the impact of RIDE have proven unsuccessful.

Given the recent pronouncements of the Attorney General (Mr. McMurtry) that we face increasing public demands for accountability and public concern about getting value for tax dollars—"Public funds are not unlimited," he said—will the Solicitor General, as he goes about the rhetorical campaign of increasing police activity at this time of the year, indicate to us which, if any, of the police functions that are normally carried out are suffering under the strain of this program? What areas are being neglected because of the annually increasing resources that are being devoted to the RIDE program, which, of course, we all support?

Hon. G. W. Taylor: Mr. Speaker, you are shaking your head. Does that mean I am to answer or not to answer the question?

Mr. Speaker: That means get on with it.

Hon. G. W. Taylor: Oh, that means to answer the question. I just wanted to make sure. I was trying to get your head configurations there.

Regarding the question the honourable member asked, along with my colleague the Attorney General and the task force that was put together on drinking and driving, we think we have made some excellent progress in preventing some of the carnage on the road which we have seen in the past. When one talks, as the honourable member has, about the material that is used, the people who are used and the resources that are used in this program, those decisions are made by the individual police forces throughout Ontario. Like the Minister of the Environment (Mr. Brandt), we think we do a very good job in that area with police forces in Ontario and we have a very elaborate and very extensive program to try to prevent the carnage.

Mr. Spensieri: No one has ever doubted the minister's intention and good faith in this matter, but given the statistics from the research foundation which show that of some 50 million trips made in Canada each year by drinking drivers we are catching only a very minute portion of those offenders, and given that especially around this time of year there is an increasing discrepancy between the rhetoric of law enforcement by the RIDE program and the actual apprehensions that are carried out under the program, will the Solicitor General examine this discrepancy in the success rate and will he indicate to us whether there is some kind of an attitudinal problem out there among our police forces, which means the ministry's directives and objectives in this connection are not being adhered to? Are the police officers dictating policy in this area?

Hon. G. W. Taylor: Mr. Speaker, there is no dictation by police officers in this policy area; they have to exercise discretion about when to lay charges. This government, along with the Attorney General and through the task force of the Premier, has been very diligent in the program. We have initiated the task force. We have people on the task force. We have people involved in this matter trying to cut down the drinking and driving problems.

There have been seminars on the matter. We have training programs on the matter. We have increased the number of machines available. We have increased the level of participation by way of advertising. We have increased the level of participation by the private sector, such as the Insurance Bureau of Canada, which has put forward advertisements, seminars and money, to

try to reduce the amount of drinking and driving on the road and the carnage as a result of that.

We have worked very hard on this and I do not think there is any attitudinal feature about this. At this time of year the media become more attentive to it, and we become more attentive to it, but we do have these programs throughout the year and throughout the province to reduce the carnage on the highways caused by drinking and driving.

11:10 a.m.

INTRODUCTION OF BILL

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AMENDMENT ACT

Mr. Allen moved, seconded by Mr. Charlton, first reading of Bill 156, An Act to amend the Regional Municipality of Hamilton-Wentworth Act.

Motion agreed to.

Mr. Allen: Mr. Speaker, the purpose of this bill is to provide for the election of the regional chairman of Hamilton-Wentworth by a general vote rather than by members of the regional council and to give the regional council rather than the cabinet the right to appoint a majority of the members of the Hamilton-Wentworth police board.

ORDERS OF THE DAY

METROPOLITAN TORONTO POLICE FORCE COMPLAINTS ACT

Hon. Mr. McMurtry moved second reading of Bill 140, An Act to revise the Metropolitan Police Force Complaints Project Act, 1981.

Hon. Mr. McMurtry: Mr. Speaker, I do not have anything to add to what I said on the introduction of this bill other than to state that I understand it has been agreed this matter will go out to the standing committee on administration of justice on Wednesday and that there will be an opportunity to have briefs from the public on that occasion. I certainly welcome the comments of the members on second reading of this important legislation.

Mr. Nixon: Mr. Speaker, I find myself acting Justice critic again. The minister will be delighted at that, I am sure.

I hasten to say to him that my colleagues and I will be supporting the bill in principle, although I do recall participating in a rather lengthy debate in 1981 and expressing my very grave personal misgivings about the concepts that the Attorney

General (Mr. McMurtry) was putting forward. I do believe the results under the leadership of Mr. Linden have been gratifying and successful. Many of the fears I had expressed at that time in response to comments made to me have not been found to be that serious.

I still believe we ought to have a complaints procedure that is province-wide and would involve our police forces at two or perhaps three levels, if we could have federal co-operation in that regard, although I do admit—in fact, I assert—that most of the problems of the most sensitive nature in the past have been seen to be problems in Metropolitan Toronto. In many respects, I suppose, this is because of the mere size of the larger municipality, but it is also because of the very large proportion of newcomers to this city from many other jurisdictions in all parts of the world who have had different experiences with police forces. Many of them come with a fear of police; they have learned in their previous homelands and in their home situations not only that you fear police but also that you consider them personal and family enemies. Fortunately, that is not the general experience in Ontario and Canada.

The police have done a good public relations job, I must say, with the help of the Solicitor General (Mr. G. W. Taylor), who is one of their most enthusiastic fans, in having most citizens believe we have a police force that is well controlled and that the chief law officer of the crown and his colleague the Solicitor General are present in the House to respond to the kinds of broadly based complaints that can always be brought to public attention in this forum.

My own feeling is still that a continuing weakness is the retention in the mind of the minister, and therefore in this legislation, of the idea the police essentially should control the initiation of the response to the complaint. I regret that the Attorney General is not confident enough in his experience, which we have seen during the past two or three years, to move away from so much police executive supervision of the procedure.

It would be seen as perhaps a brave but proper departure if the Attorney General in his most liberal mood—and he does have those from time to time, I am told—were to say we do not have to fear that a civilian agency in control of the complaint procedure from the very beginning would somehow or other turn this into simply a forum for the harassment of police officers trying to do their duty. I believe we should have more confidence in civilian control of these pro-

cedures. Once again, I simply express my regret that the new bill making this pilot project permanent does not reflect our confidence in civilian control of the complaint procedure.

I return to a point I made a moment ago; that is, the geographical restrictions in the process. While I am quite prepared to recognize that the main problems occur in this major urban centre or world-class city with the special law enforcement problems that go along with the size and cosmopolitan nature of the jurisdiction, still you and I, Mr. Speaker, coming from smaller communities, would recognize that such a basis of complaints against police forces and activities ought to be broadened out to include all our police forces.

It could well be the complaints commissioner could have his duties expanded to be the civilian centre for the reception and supervision of those complaints for all parts of the province. My own preference would be for something more community-based, so a citizen who feels himself or herself wronged by actions of the police would not necessarily have to come to Toronto or to contact Toronto for the relief that should be part of legislation that we would expect to be forthcoming in this House in the future.

Just as a footnote, I was interested to hear the complaints commissioner may be able to take up his offices in that great palace of justice as it now is, the former household economics building at the corner of Avenue Road and Bloor Street. I was interested to read in the auditor's report some indication that the Ombudsman, who now controls that Grecian edifice, has a little extra room and that in supporting the Ombudsman over these years the generous citizens of the province have been paying highly inflated rentals for much space that is not actually used.

I have a great deal of confidence in the present incumbent of the Ombudsman's office, and I was gratified to hear him indicate that as a sort of subletting landlord he is trying to make it as attractive as possible to have our police complaints commissioner move into some back rooms in that edifice. Of course, in the great tradition of ombudsmanism in this province, the building always has to be the most imposing we can get in town, preferably with pillars and rather conservative brass plates in the front so the citizens passing by know what is in there, and that it is a place with class, I suppose we might call it.

I feel that in some sense a self-defeating approach to serving the citizens, either by way of an Ombudsman's responsibility or, even more

particularly, for receiving civilian complaints against the police. I do not want to speak against a business arrangement that might benefit the taxpayers, but I would like to see our public complaints commissioner more readily available in the downtown section of the city, in a storefront situation, and not necessarily protected by brass plates and potted palms.

11:20 a.m.

The Ombudsman himself, whom we all know as an extremely accessible, gregarious, friendly, capable and generous person, often has his accessibility somehow hidden by the fact he is ensconced in such impressive luxury.

It is a small point, but I have a feeling the commissioner himself would recognize the need to be readily available as much as possible, without the trappings of the majesty of government separating him from the complainants who want ready access. The complainants are often in a state of mental agitation and they should be treated as generously and sensitively as possible.

This is a footnote to these comments. I personally am totally committed to the concept of a civilian police complaint process. I want to make it as readily available and as sensitive to the individuals in the community as it is possible for it to be.

If there is any criticism in what I said about the Ombudsman, it is irrelevant to this debate. However, I do not hesitate in making it sound like criticism. Our present Ombudsman was not the person who made the decision to house himself in those grand quarters. I have a feeling that if it were not for the benighted foresight of the previous incumbents and their advisers, he would not be stuck in such a place with a five-year lease, having a whole bunch of back rooms he wants to rent off to some innocent bystander who comes by with a blank cheque from the government of Ontario.

I have also been interested in the compendium of information the minister tabled with the bill, in which he clearly and effectively sets out the background of the original legislation. Two or three years ago, I felt he and his colleagues were very reticent about moving towards some sort of adequate citizens' complaint procedure against police activities.

There were many occasions in this House when questions were asked, indicating at least—I do not want to use the word “suspicion”—a feeling that a complaint procedure was necessary, and that when the citizen had as his only alternatives going to the police headquarters to complain or perhaps coming to a member of the

Legislature to have his complaint aired in this jurisdiction, that was not sufficient or sensitive enough under the circumstances.

More and more we could see a feeling arising in the community of Metropolitan Toronto and in the hearts of people in this Legislature that our police force was moving down a dangerous road towards the kind of authoritarianism and self-rule we in a democracy felt had to be corrected and restrained.

There were a number of incidents at the time, which I am not going to refer to again, involving black immigrants in Toronto. They indicated a possibility our police force in general was not sufficiently free of prejudice or sufficiently broad-minded to do its duties in a fair way and in a way that was seen to be fair.

I believe this indication—let us say apprehension—of a prejudice on behalf of individuals in the police force has been corrected to some extent. The Attorney General has been very good in assisting me in conveying my views directly to the people concerned in matters associated with the police, lawyers and law enforcement.

Mr. Speaker, you may have experienced this yourself. My experience has often been that I would make a speech here and one of my best efforts would be completely ignored by the media. Even back home, the Brantford Expositor and the Burford Advance would not carry it. Yet I would get a flood of letters from the individuals directly concerned with my remarks because the Attorney General, with more staff than he knows what to do with, was good enough to send my remarks to those individuals.

I remember on one occasion getting a letter from no less a person than the current chairman of the Liquor Control Board of Ontario, formerly Chief Ackroyd, who has had a change in life-directed goals in the past year. I would not say he took umbrage, but he did take exception to comments I had made about the apprehension of something less than an unbiased, unprejudiced approach to minorities, visible and otherwise, by the police forces of the province.

It was quite a heated letter, polite, and certainly well within his rights. He indicated the difficulties the force has in hiring people of obvious ethnic involvement so various ethnic groups would see them with their uniforms, red bands, badges, flashing cars and all the majesty of the police and feel they had, from their point of view, some of their own there. The judicious dispatch of these people into various communities of Toronto might improve co-operation between the community and the police forces.

I mention this in passing. I hope there will not be anything in my remarks this morning to prompt the Attorney General to get his computer addressing machinery going and start sending out my comments, although I have no objection to this, of course. I often feel he is the only person in the whole province who gives a damn about anything I say about these things. In that respect, I welcome his attention.

I mentioned that the Attorney General was very reluctant to proceed with the original legislation. He does not do much kicking and screaming so we cannot say he was pulled into it that way, but in his own somnambulant approach to politics his heels were dug in. In order to keep the lid on the growing problem, various levels of governments appointed various fact-finders, commissioners and advisers.

No less a person than Arthur Maloney himself, a person who probably understood the majesty of the law better than anyone, finally made a recommendation in response to problems in the community indicating he felt it was necessary to establish a civilian complaints procedure, but no action was taken. This was followed, by coincidence, by Mr. Justice Donald Morand, in his former incarnation, before he even dreamed of aspiring to the high office of Ombudsman.—

Mr. Stokes: That was when he was a Liberal.

Mr. Nixon: He would never be tarred with that brush.

Mr. Justice Morand, as he then was, was charged to do a thorough investigation into this matter and came up with similar recommendations, and still the chief law officer of the crown at the time took no action.

Another luminary, Walter Pitman, well known to most of us in this House, was then commissioned by Metropolitan Toronto or the city of Toronto and he also made strong recommendations, obviously on a more progressive base than either of the two previous worthies, and still there was no action.

It was not until probably the most influential conservative—with a small “c,” naturally—Cardinal Carter, got involved in this business that the chief law officer of the crown snapped to attention, clicked his heels and had the—

Hon. Mr. McMurtry: Now the member's envy is showing.

Mr. Nixon: I will get to heaven just as soon as the minister on the basis of the friends we keep.
11:30 a.m.

The bill was brought in, but still the Attorney General's prejudices—and I will use that word—

against effective civilian complaints were showing. It was simply an experiment, it was limited geographically and it would be under the control of the police.

We objected strenuously at that time and, if I recall correctly, we voted against the legislation. There were lengthy hearings in the standing committee on administration of justice, and quite effective ones. I do not recall how extensively the trial legislation was changed, but it was proclaimed—and even before it was, the commissioner was in operation, was he not?

Yes. He was set up because the situation had gone a little bit out of control. The Attorney General had put the lid on, had been pressing down on it and was standing on it, but still it bounced up and down and he was forced to take action even before the Legislature approved the pilot project by enactment. So the commissioner was established and he was able to relieve the pressure without embarrassing the Attorney General unduly.

The government has been fortunate, frankly, in the qualities we knew the commissioner had, which have certainly been shown. The police have not become paranoid about the thing and the citizens seem to have reasonable access to a complaint procedure that is far from perfect but is still functioning. I can remember the Attorney General defending at the time a bill that was under quite substantial attack both here and in the community by saying: “At least we are going to try this. It is better than nothing, and we hope and expect it will function well.” I think it has functioned fairly well.

There is one instance I want to mention just briefly that caused me a great deal of concern as I followed it, and that is the Morrish Road party incident a couple of years ago. That was an incident where there were complaints about some kind of wild party. The police went there in force and it looked from the news reports broadcast on local television—because the camera crews went there too—as if a large number of police were using their billies, or whatever you call those extra-long sticks with the ancillary handle, which they swing around so dramatically, to beat the bejabbers out of these young people—I would not say innocent young people, but young people—who were forced to come out of the party and run this gauntlet of heavy-duty officers banging them over the head, shoulders and other parts as they went through.

Complaints were registered but, because of the procedures that were enforced by the bill itself, I do not believe anything effective was ever done

about that. The one thing that really amazed me was that there must have been 40 or 50 policemen involved, and yet by applying the sorts of pressure available to the crown, the commissioner and the police chief himself, we were never able to identify legally any of the participants.

As far as I know, none of the officers was ever reprimanded publicly. I am sure they got a good talking to in the squadrooms, or whatever they are called. My only experience with the police, thank God, is with Hill Street Blues, and I am not exactly sure they operate according to precisely the same processes in Metropolitan Toronto. But as far as I know, nobody was identified and no one was formally reprimanded or disciplined in any way.

Here was an instance where civilian complaint was shown, in my view, to be ineffective and ineffectual. It might be possible that the Attorney General could make a comment about this as an example of something of a failure in the process we established three years ago in this civilian complaints legislation.

I simply say again that my colleagues and I are supporting the bill. The bill that was enacted two or three years ago had a sunset clause and, unless this bill is enacted, then the process will go out of existence. We say that it should—

Mr. Philip: That is not true.

Mr. Nixon: I thought it had a sunset date of 1984.

Mr. Philip: It can be extended.

Mr. Nixon: Yes, I suppose it could be extended by edict, but certainly if we are talking about general legislation, we in this party welcome general legislation. I personally hope it will be a model for a process that can be extended across the province. I believe the Ontario Provincial Police would welcome the application. I am sure police forces in some of the smaller urban areas particularly—I am thinking of Brantford, Windsor, Hamilton—would function better with such a civilian review procedure.

I look forward to the hearings that will be held in the committee, at which time the commissioner himself and groups that have had direct experience over the past three years will have an opportunity to express in a more informal way their views on the legislation.

Mr. Philip: Mr. Speaker, it being just before Christmas, I guess I should start off by saying to the Attorney General that I feel there are a number of improvements in this bill over the

previous bill. I am going to deal with those improvements in some detail in a few minutes.

First of all, let me say how disappointed I am this bill has been introduced in the winter of this session. In his sales pitch for Bill 68, the Attorney General kept on saying: "This is an experiment. Why not try it? Why not go along? Why not trust me? At the end of the three years, we will be in a position to evaluate it and we will be able to pass judgement on it."

I was the chairman of the justice committee at that time. Each group appearing before the committee asked that we build into the bill a thorough evaluation at the end of the experiment and that we have public hearings.

I personally moved an amendment in this regard. The amendment was that section 27 of the bill be amended by adding the following thereto, "Prior to repeal, a detailed report on the operation of the project during its three years of existence shall be prepared by the board and forwarded for consideration by the council of the municipality of Metropolitan Toronto and by the standing committee on administration of justice of the Ontario Legislature."

The reason we and the Liberals on the justice committee voted in favour of that is that we believed the minister when he said it was an experiment. We believed him when he said it was important there be an evaluation. We thought this amendment would be acceptable to him, so I moved the amendment and it was supported by the Liberals. It carried in the committee, I suppose due to a fluke in the number of members who happened to be in the committee at that time. Then the minister later amended it in the House and watered it down.

So we are faced with a situation where the commissioner does file a report, but there have been no public hearings on this report. Indeed, there is no opportunity for those very groups that came and expressed some concerns about Bill 68 to have the time to study a proper evaluation and come before a committee of this Legislature and praise those things that have worked successfully and ask for changes in those that have been less successful.

Quite frankly, the only reason I recommended to my caucus we not send this out to committee for hearings over the recess was that I was concerned about what would happen if the present Attorney General happened to change his position. I thought what would happen if we were faced with those two pillars of reaction, the Minister of Industry and Trade (Mr. F. S. Miller) and the Solicitor General (Mr. G. W. Taylor).

The bill might come back in a much more reactionary form than the present Attorney General would have it.

11:40 a.m.

I thought of what might happen if by any chance, heaven forbid, instead of having the Attorney General, we were faced with someone such as the Solicitor General in that position. We all know the views of the Solicitor General on matters of policing, crime and civil liberties issues. Quite frankly, I trust the Attorney General's views. By and large, in comparison to the Solicitor General, he has acted in a much more responsible, moderate and reasonable manner on a number of occasions recently.

I am faced with the real political problem that I want to make sure this bill comes back under this Attorney General. I have more faith in him and in some of the things he has managed to do with the bill, notwithstanding our complaints, than I have in some of the other members of the cabinet who might, after a new leader is chosen, be in a different position.

Of course, all of us are praying that the Attorney General will become Premier, in which role he would be able to have some strong influence over that. If that does not happen, in the event that the Conservative Party does not show the same enlightenment I would if I were voting at that convention, then we must face up to that reality.

Interjection.

Mr. Philip: I am sure that will be worth a lot of votes for the minister at the convention.

Hon. Mr. McMurtry: It just cost me two.

Mr. Philip: At least the member for Lakeshore (Mr. Kolyn) will have to shift his vote to the minister.

I would be remiss if I did not say something about Sidney Linden. I think all members of the House applauded the appointment of this outstanding attorney to what is a very sensitive post. The confidence of the Attorney General and all members of the House has proved itself in Mr. Linden. He has shown excellent and sensitive leadership in his post.

My impression is that he has won the respect not only of the communities that were concerned about this bill, but also of the police. His community development approach in handling sensitive issues and realities in our community has been particularly effective. Some courage must be attributed to him because in the original act, in Bill 68, there were no statutory powers for him to do some of the things he has courageously

been able to do, things that have worked. I must applaud the Attorney General for now giving him those statutory powers.

It is also important to note that, to some extent, credit must go to former Chief Ackroyd. All of us who watched the interactions between Mr. Linden and Chief Ackroyd could see a certain growth in the police chief as he became more sensitive to the issues and showed a certain flexibility, which perhaps a number of other chiefs of police in this province, whom I will not name, might not have shown. We saw a certain growth in this person. If he had not been in that post it might have been a lot more difficult working with another chief of police.

Part of the success also was that Chief Ackroyd was under pressure from other chiefs of police, who undoubtedly were saying to him, and we know this happened: "What are you giving in to? You are going too far. This is going to descend on all of us. You, the Attorney General and the opposition cannot get away with this kind of thing. We are going to have this descend on us." To his credit, Chief Ackroyd was secure enough in his position and in his person that he was able to say, "I have to show some flexibility and I have to live up to the realities of the 20th century."

Much of the credit for the fact that Bill 68 has worked to some extent must go to Sidney Linden and also to the chief of police who worked with him. To his credit, Paul Godfrey was a supporter of the legislation. I think he showed he wanted to make it work as well.

There are some improvements I want to talk about in the bill. I want to talk about them in some detail through comparison with the previous bill. The bill provides that where a complaint is laid at a police station, the officer in charge must take all reasonable steps to ensure that all available evidence that may be lost is secured immediately and that the complaints bureau is advised of the complaint. I think that is an essential and important improvement in the bill.

There have been instances where people have gone to the police with a complaint and the evidence has been lost. It has taken two or three days, and the bruises and so forth disappear or some of the evidence somehow mysteriously vanishes. This change in the bill ensures the onus is put on the police at the front desk, that they have the responsibility to secure that evidence. I think that is an important improvement in the bill.

The bill also removes some of the authority of the Solicitor General and gives it to the Attorney General. The Attorney General and I both know that has already happened. The Attorney General, having been both Solicitor General and Attorney General at the same time, was able to pull off this sleight of hand without as much attention as there might have been if he had tried to do it from only the post of Attorney General.

That is an essential improvement in the bill. I recognize this no doubt causes some concern on the part of the present Solicitor General, and it is not the Attorney General's way of getting more popularity when going into a leadership race. I think it is important that those changes be in the bill in the event there are other players in those two posts in the future, or at least another player in the Attorney General's post. This is an improvement the Attorney General has put in the bill.

The bill also provides the commissioner with additional jurisdiction over the monitoring and handling of complaints and inquiries by the bureau and by the chief of police. As I go through them one by one in the sections of the bill, and I have some questions on a number of them, we will see they are improvements.

Lastly, the bill gives statutory powers to the commissioner to deal with systemic problems. We know the present commissioner must have been under some pressure from certain police officers and, indeed, perhaps even from the Solicitor General—I do not know—not to deal with systemic problems.

These are the same kinds of pressures that traditionally ombudsmen have been under. It is interesting that, just as our new Ombudsman, Dr. Hill, has felt his role is to deal with systemic problems rather than be a case worker, so too we see a move by Sidney Linden to deal with systemic problems and identify patterns and processes that are wrong, because if we can correct them we can cut out a lot of the day-by-day, case-by-case kind of complaint.

What this bill does is give, for now and I hope for ever, that authority to the commissioner; and that is important. It may have been done at the present time by the present incumbent. However, we may be faced at some future time with an incumbent who is less strong or a chief of police who is more defensive and less secure. By having this in the bill, it gives clear statutory powers to the commissioner and outlines his responsibility to do it. That is an improvement.

11:50 a.m.

Having dealt with some of the positive sides of the bill, I must share with the minister and the House some of my complaints about the bill. Practically every group appearing before our committee on Bill 68 requested that the police not be directly involved in investigating the particular complaints.

If we look at what some of them said at that time—and I will not read all of them—Mr. Borovoy of the Canadian Civil Liberties Association said: "So long as front-line investigations are handled by officials who have departmental or even general police interests to protect, the system will be severely flawed. Many aggrieved people simply will not confide their complaints about the police to other police officers."

The Canadian Civil Liberties Association has had this experience time and again, particularly with minority, racial and ethnic constituencies. In fact, the Canadian Civil Liberties Association conducted a number of surveys among arrested people in Toronto during the 1970s. Invariably, only a minuscule minority of those who claim to have been abused by the police were prepared to take retaliatory action. An overwhelming number declared flatly that such action would do no good.

I come from a riding where I have a number of people of Spanish-speaking origin from Latin America. Their relationship with the police is quite different from the relationship we have had historically in this country. They see the police as something to be afraid of. They see a uniform as something one does not argue with, that one does not even question.

As I pointed out not so long ago in the Legislature, in the case of Chile people even carry medical documents saying: "I have a heart condition. If I am arrested, I will die if you use electric kinds of tortures." When a person comes from that kind of environment, that kind of mindset and that kind of conditioning, it is very hard for him to bring himself to say, even in a democracy, "I will go down to the police station and lay complaints against another guy in a uniform." This problem still remains in the bill.

The Jamaican Canadian Association said: "However, as a sensitive organization, with people who are very concerned, we recognize that policemen and women are real people. Therefore, the police being real people, we recognize they are subject to all human frailties, follies, flaws, errors, illnesses, etc., as the rest of us people are. Hence, the JCA believes that to entrust such great and extraordinary responsibility upon the shoulders of the already taxed

police of investigating themselves when other human beings complain against them regarding injustices suffered is ludicrous."

I am not going to take the time of the House to read into the record other similar complaints, but that is the thrust of all the groups that came before us with the exception of the police association.

The public complaints commissioner is still not permitted to commence an immediate investigation of a complaint except upon the request of the chief of police or in exceptional circumstances. We have an increasingly militant police association, and there are reasons why psychologically they should be militant. Having one's colleagues shot down in cold blood, I imagine, would make anyone more militant, and that is a psychological fact of life. We have had a series of tragedies.

The association will no doubt attempt to use the courts to curtail any attempt by the public complaints commissioner to intervene before the initial 30-day period. It is essential that we strengthen the public complaints commissioner's powers in this regard.

Therefore, I strongly oppose police involvement in the investigative process. This three-year experiment has shown both the police and the public there is not an awful lot to fear. This surely should be the time in which we move to an independent investigation under the commissioner himself, with trained police officers reporting directly to him. We are not suggesting we send out social workers or do-gooders or community activists to do police investigations, but as we argued under Bill 68, we can have people who are trained in police investigation techniques reporting directly to the commissioner.

Because of this overwhelming opposition, while I will not delay the bill, I am simply going to vote against it in view of this one major flaw.

There are a couple of other flaws I would like to point out to the minister. I will do it by way of questions rather than challenging them as flaws because I see them as major problems in the bill. By perhaps changing a few words here or there, the Attorney General may be able to satisfy my anxieties.

"A complaint lodged by a person not directly affected"—and these are the words of the bill—"by the misconduct alleged will not be dealt with under the act." I maintain that a person who is an eyewitness to an assault by a police officer should be able to lay a complaint. I wonder if an eyewitness is covered under the words "directly affected."

I want the assurance of the Attorney General on that, but I would also suggest, and I am not a lawyer, he could probably make an amendment that would not in any way distort what he is attempting to do by having words something to the effect of "persons directly affected by or having a personal knowledge of."

If those words were used, then it would take care of the trade union leader who observes misconduct on a picket line involving a new immigrant picketer who may be afraid to lay complaints but for whom he feels a complaint should be laid; or even a citizen or a newsman who observes inappropriate behaviour by a police officer, and who may even have it on camera, should be able to follow through and have the complaint dealt with.

If I, as an observer having personal knowledge of, am part of the definition "directly affected," that is fine. I would like some assurances of that. I have checked with a number of lawyers in preparing to debate this bill, and all of them have given me some reason to have some anxieties that a witness or an organization such as the Canadian Civil Liberties Association might not be considered as being directly affected and therefore might not be able to lodge a complaint.

I recognize why the Attorney General wants this in the act. I think there are very compelling reasons he wants it in. It is possible, and indeed it is happening I am told, that under the present system Mrs. O'Grady may read about something involving her next-door neighbour Mr. Smith in the newspaper. She has no personal knowledge of it and she has no direct viewing of it, but she decides this is wrong and she is going to lodge a complaint.

Mrs. O'Grady can therefore receive personal information and a personal report on Mr. Smith, while Mr. Smith may, with his attorney, be pursuing a specific course of action and the intervention, which he has not requested, by Sidney Linden may get in the way of that kind of action he and his lawyer are taking.

I can see the argument: the minister does not want intervention by everybody and his uncle who read an article in the newspaper, pick up the Toronto Sun, and say, "I am going to write to the commissioner and have an inquiry done into this." I think some discretion is needed in that case, both to protect the alleged injured party and also to prevent misuse of the commission's time.

I do want some protection so that a viewer who sees misconduct, a union that observes misconduct, a television reporter or other person who sees misconduct or an organization such as the

Canadian Civil Liberties Association can take action.

12 noon

The other thing I want to go into in some detail is that "misconduct" now is defined as conduct that would be an offence under the code of offences as set out in the Police Act regulations. I have gone through the code of offences and I recognize why the minister wants this. A civil liberties argument could be made, and indeed it was made fairly forcefully as I recall by the police union, which said: "We cannot have airy-fairy complaints over an officer out there. We have to have some specifics of exactly what the complaint is all about."

Bringing the bill in line with the code of offences under the Police Act does give some protection in a civil liberties sense to the police officer. But in looking at the bill I find it ironic that the police should have perhaps more protection for misconduct as professionals than other professionals do, such as teachers, nurses, lawyers or doctors. I wonder whether something in between cannot be looked at.

There have been findings of liability against a police officer in a civil court of competent jurisdiction in Ontario for assault, battery, false arrest, false imprisonment or malicious prosecution. Surely, if the government insists on a comprehensive definition of misconduct, the proposed definition should include those. We have had cases here in Ontario in which officers have been found guilty in civil courts of what amounts in the eyes of the public to gross misconduct, and yet they are still on the force.

I give members the judgement against Robert Messacar on November 9, 1983, by the Honourable James B. Trotter of the county court in the judicial district of York. I have another judgement here in my hands, and the same Robert Messacar shows up. It is dated February 3, 1984—I cannot read the judge's name on my photocopy, but the reference number, I believe, is 16640-82.

It is my understanding this gentleman, Mr. Messacar, is still on the police force, he is still practising, although two courts have convicted him. One has to ask whether a system is working when someone can have those kinds of major judgements. It is not as though they were light judgements. The judgement in the first case I mentioned was false imprisonment, false arrest, assault and malicious prosecution arising out of the events that took place in Toronto on January 8, 1982. The other judgement was for false imprisonment, false arrest, assault and malicious

prosecution. Yet this police officer is still practising. I think that discredits the rest of the force, because the majority of police officers are out there doing a really tough job and doing it well.

When you have somebody like this who malpractises, or when courts decide there is a form of what I as a layman would call malpractice, then surely the public has a right to see that a person like that is removed from his position—removed, at least, from the position of dealing with the public—and that has not happened.

I found it very interesting to read through a study that was done for a master's course by a chap named Peter Bartlett. I will not go into all the details. He has some fascinating information in this. On page 56—this is a term paper; it is not published, but I will be happy to give the Attorney General a copy of it—he is talking about the complaints, I believe, in 1982. He says:

"Two of the six decisions of the board upheld the complaint and imposed a penalty on the officer. Regarding Noble and PC McKay, an officer found to have assaulted a citizen who was handcuffed and offered no resistance, the officer received a two-week suspension. Both penalty and conviction are presently under appeal.

"Regarding MacFarland versus PC Christiano, the officer was found to have wilfully neglected and negligently made false, misleading and inaccurate statements in court. The officer was demoted from police constable, second class, to police constable, third class, with a strong recommendation that he be reviewed for promotion in accordance with the department's policy, practices and principles after three months."

He does not even lose any salary. He gets demoted one rank for a three-month period and is then subject to a review to push him back up the ladder again. Undoubtedly, his personnel file will not look very good after that. None the less, one has to ask, is it fair to those other officers who are doing a good job, and is it fair to the public that those who commit major professional errors, if I may use the polite term, get so little done to them and have so little to be afraid of?

I would like to spend a few minutes comparing in some detail this bill with Bill 68. The minister is well aware of my views on various sections of Bill 68. I forget how many amendments I moved there. I am not going to recycle all my arguments, however, I want to deal only with the changes. To assure the minister, I am going to praise those changes which I think are good and

be less laudatory on some of the others about which I have some questions.

One of the first differences between this bill and the Metropolitan Police Force Complaints Project Act, which was Bill 68, is found in the statutory jurisdiction of the public complaints commissioner. The bill provides the commissioner with additional jurisdiction for monitoring "the handling of complaints and inquiries by the bureau and the chief of police." This is subsection 3(6).

One has to conclude this increase is probably necessitated by four provisions of the bill, three of which are new: the ability of the police chief to summarily dismiss a complaint that is, in his view, "frivolous or vexatious or made in bad faith," which is in section 13; the maintaining of a mechanism for the informal resolution of complaints, which is in section 10; and an addition to the formal procedure for the withdrawal of complaints, which is in section 12 of the bill. There is a new procedure that allows complaints to be reduced to inquiries to investigate conduct that does not amount to misconduct, in clause 1(f) and in section 8.

I want to deal with each of these changes in greater detail. However, what is crucial here is that the bill provides for all these decisions that are subject to some type of review by the commissioner. That is an important improvement in the bill. That being the case, it would appear to be necessary to augment the power of that office by providing explicitly for that monitoring authority.

In addition, it has been suggested this increased mandate will allow the commissioner to assess statistics and to conduct research into patterns and trends in police behaviour. Interestingly enough, as I have indicated in a different way before, the present commissioner is already doing this. The police have found some of the research and some of the statistical information he has been doing to be most helpful to them. They can see patterns where there are problems, and then move in to correct those patterns.

12:10 p.m.

In Sidney Linden's office, I found it fascinating to look at a very simple technique of using pins to identify the problem areas. One can see in a very visual way where there may be some problems and where one has to look at the personnel and the patterns that are developing. I would find some of the statistical information he has been bringing out most helpful if I were a manager in the police force.

The Attorney General has quite rightly put this into the bill. The things he has been able to get away with doing, perhaps because of an understanding police chief who recognized their value, now are in the statute so that someone else cannot come along and question the authority of a police complaints commissioner to do it at a future date.

The existing police complaints board, established by section 4 of the act, is replaced by a panel from which members for boards of inquiry will be drawn. That is section 4. The tripartite nature of the board is maintained, if somewhat modified. I notice that one third of the panel will be members of the Law Society of Upper Canada rather than simply having training in law. I have no objection to that, but I am interested in finding out why the minister has changed it. Under section 4, they will be explicitly recommended for appointment by the Attorney General and the Solicitor General as opposed to some unspecified manner of appointment under the act. It is reasonable it should be spelled out.

One third of the panel who shall not be police officers are nominated by the Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association and must now be nominated in writing to the Attorney General as opposed to the Solicitor General. It was in subsection 4(4) of the old act, if I am not mistaken. It is in subsection 4(3) of the new bill. Clearly, these are minor changes, but it improves a system of fairness if we take the power from the Solicitor General and move it to the Attorney General's office. That is an improvement that will stand as perhaps being more significant than we think in the years ahead.

In a further attempt to ensure the impartiality of the boards of inquiry, the bill excludes the commissioner from membership on the panel, the commissioner formerly being the chairman of the board under subsection 4(2). That is a traditional mechanism that has been used in a number of other acts in similar cases. I have no objection to it and it is appropriate the change be made.

Since I am dealing with these specifics on second reading, I do not expect the minister to answer immediately, but I would like him to take some time to examine those sections and report back to us. That is why I am going into some detail.

The panel itself must be reviewed by the Attorney General three years after the proposed act comes into force, and the Attorney General is to recommend to cabinet whether these bodies are to continue. That is in section 33. I find it

difficult to imagine how he could come back in three years and say he wants to abolish them. I suspect that is there merely as a technicality, that the Ontario Law Reform Commission suggested sunset requirements in statutes and this is merely a way of making it conform to other legislation dealing with similar things. It is an interesting difference and I have no objections to it. It would be interesting to know the rationale.

I mentioned earlier the bill creates a new mechanism that, in effect, allows a complaint to be reduced to an allegation about police conduct that does not amount to misconduct. The term "misconduct" is defined as "an act or omission on the part of a police officer that constitutes an offence...as set out under regulation 791...under the Police Act."

Subsection 8(1) provides that the person in charge of the police complaints bureau may, with the consent of the commissioner, reclassify a complaint as an inquiry but must notify the complainant and the police officer if this is done. Further, in subsection 8(2), if the inquiry is ordered, the person in charge of the bureau shall determine whether the investigation is required.

Subsection 8(3) says that during the course of an investigation, an inquiry may be reclassified as a complaint with notification being forwarded to the complainant, the subject officer and the commissioner. That is an important subsection which gives some protection to the commissioner.

Under subsection 8(4), if the inquiry is resolved without an investigation, no reference is made to it in the personnel record of the police officer. That was one of the concerns the Metropolitan Toronto Police Association brought forward.

It can certainly be argued there is a great need for a procedure that would allow for the resolution of allegations of misconduct that do not amount to misconduct as technically defined in the bill. Some of the complaints have been rather too airy-fairy and too broad. Even conceding the validity of that argument, however, I am left with some apprehension that does not allow me to give, without some assurances and some explanation from the Attorney General, unqualified acceptance to this section.

The decision whether to consider or to reclassify, and the actual decision to reclassify, apparently are to be made without notice or input from either the complainant or the subject officer. One wonders whether that is appropriate. Moreover, the decision whether ever to investigate an inquiry is made entirely by the officer in

charge of the bureau, who is required to respond to the complaint only after the investigation is completed.

Unlike comparable situations in the bill itself, any decision by the person in charge is not a statutory power of decision reviewable within the meaning of the Judicial Review Procedure Act; nor may the commissioner ask that the complaint be continued, as is the case when complaints are withdrawn under subsection 12(3) or informally resolved under subsection 10(5). I admit the fact that even inquiries must be sent to the commissioner's office is a check on that; none the less, it does leave me with some anxieties.

I would like to deal with the laying of complaints. The procedure for actually laying a complaint remains identical to the one in the act. I recognize the pressures within the cabinet on this minister. Many cabinet ministers feel the Attorney General has already gone too far, but I wonder whether, in the light of public opinion, we are not at the stage where we can move it a little bit further. I am not going to recycle all the arguments the organizations and I have made over the years, but it is still a concern to members of this party. That is why, on second reading, we are going to say no.

The second change is more interesting. Where a complaint is laid at a police station, the officer in charge is to take all reasonable steps to ensure that the available evidence that may be lost is secured immediately and to ensure that any preliminary investigation that is warranted is conducted and that a report concerning the investigation is prepared and forwarded to the person in charge of the bureau. That is in subsection 6(3).

I must admit that waters down some of my complaints against the bill. It is an important improvement in this bill and an important safeguard. It is important that it be there. Indeed, the scheme of the bill seems to demand that the person in charge may consider whether the complaint should be changed into an inquiry, as discussed in subsection 8(1), and then must consider whether the complaint can be resolved informally, as in section 10.

12:20 p.m.

In most situations, it is unlikely the investigator from the bureau will need to move expeditiously to preserve evidence. Yet it seems incongruous both to demand and to authorize those actions from an officer in charge of a station without similarly empowering the person in charge of the bureau, particularly since the two

officers have concurrent jurisdiction in receiving the complaints.

I recognize there are regulations concerning procedure. That also acts as a safeguard. The procedures that must be used in the investigation at the complaints commissioner's level are also used as a guideline at the police station level, but I still have some anxieties and so do members of the communities I have talked to.

I want to deal with the areas I mentioned earlier by referring to those sections of the bill so the minister knows precisely what I am talking about.

I contend the bill significantly narrows the scope of the application to the complaints process. Where the bill and the act permit a member of the public to make a complaint under section 6, in order for a complaint to continue under the bill, the complainant must be a person directly affected by the incident. That is section 7. That was the anxiety I had earlier. I am simply pointing out to the minister the sections I was dealing with.

I would like to talk about the withdrawal procedure. The current act has no formal mechanism to allow for the withdrawal of complaints, although it is fair to speculate that the informal procedures have probably been developed. It seems important that in this bill all complaints and inquiries must be dealt with in accordance with the act—in other words, the bill—and shall not be withdrawn except in accordance with the act, under subsection 12(1).

Even should a complaint be withdrawn, where the commissioner is of the opinion that the complainant withdrew as a result of a misunderstanding, a threat or an improper procedure, the commissioner may continue the complaint as a complaint under the bill in subsection 12(3). That also is an improvement we welcome.

Even where a complaint is not reinstated, the chief of police may continue disciplinary action under the Police Act based on allegations made in a withdrawn complaint under subsection 12(5). On preliminary examination of this procedure, it seems to be fair provided the commissioner has both the staff and the desire to investigate. We have no doubt that will be the case under the competent and highly professional nature of the present commissioner, but it may at some time cause a problem. I am simply saying he requires adequate staff in order to do what is required under subsection 12(2).

The bill confers a very broad but hitherto nonexistent discretion on the chief of police to summarily dismiss complaints that are frivolous,

vexatious or made in bad faith and that are not within the jurisdiction of the act or that may more appropriately be dealt with under another act. That is under subsection 13(1).

Interestingly enough, I talked to a number of people who were most critical of the bill in the first place and they are not terribly upset about this section. They are saying they do not believe this will be misused. It will be interesting to see what they say in the justice committee on this section. So far, I have not run into a great number of people who in their day-to-day operations feel this is likely to be abused.

Such a decision does not prevent the taking of action under the Police Act and requires notification of the commissioner. So there are some protections in that.

The complainant may request the commissioner's review of the decision under subsection 13(4), in which case all the provisions of the bill relating to the review by the commissioner apply. This would allow the commissioner to order a hearing by a board of inquiry where it is in the public interest to do so, or to take no further action under subsection 19(3).

The difficulty I see with this provision is one of timing. If a complaint is to be dismissed for want of jurisdiction or because it is more appropriately dealt with under the act in clauses 13(1)(b) and (c), the absence of any language in the opening words of section 13 as to when this would be done is probably appropriate. Even so, if the commissioner disagrees with the conclusion reached by the chief of police over jurisdiction or appropriateness, it is problematic whether the independent power to investigate found in section 18 would apply. I would like the Attorney General to address himself to that question. I am not certain of the answer. Maybe he can give me some assurances on it.

Depending on when the chief of police decides that the complaint will be dealt with, clause 18(1)(c) empowers the commission to investigate after the first interim report is received under subsection 11(2). The question is whether the authority of the chief of police permits such an early dismissal that section 11 is circumvented. If the concern is with the jurisdiction or the appropriateness, the provision would be better drafted if it ensured that the commissioner and the complainant have a right to have the decision reviewed. I think the Attorney General should look at those sections.

A board of inquiry under the bill is not the appropriate forum for a complaint that is frivolous, vexatious or is made in bad faith.

Anybody who deals with complaints, either as an Ombudsman or as a member of the provincial parliament, knows we do get those kinds of complaints. A great number go to any form of ombudsman, including the ombudsman, if I may use that term, with whom we are dealing in this question. Our concern is with the jurisdiction or the appropriateness to have the decision reviewed.

I am dealing with the serious question of timing. Although the review procedure may be appropriate under subsection 13(4), both section 10 of the act and section 14 of the bill permit the chief of police to reach certain decisions only after review of the final report. A decision to dismiss a complaint summarily should require that there be a review at least of an interim report and arguably the decision should be reached only once the final report is reviewed. The problem is one of practicality and I hope the Attorney General and his advisers will look at that.

That may be more properly an option that belongs in section 14 of the bill. Indeed, a decision under section 14 that no action is warranted may be more appropriate where it is concluded that the complaint is frivolous, vexatious or made in bad faith. The decision could be reached only after a final report has been reviewed; in other words, after there has been an investigation under the bill and the results of the investigation have been reviewed.

I have said something about certain sections that expand the powers and the discretion of the police complaints commissioner and I will not deal with those in any great detail. We applaud them.

12:30 p.m.

I would like to deal with the withdrawal procedure. The withdrawal procedure is not the only example of a change that potentially diminishes the authority of the commissioner. There are, as I have mentioned, some sections that do that. Section 17 of the act provides that where, after making a review, the commissioner is of the opinion that a police practice or procedure should be altered, he shall report his opinion and recommendations to the Solicitor General, the Ontario Police Commission, the Metropolitan Board of Commissioners of Police, and the chief of police. The comparable provision in the bill, section 21, makes some changes in this procedure.

In effect, the bill provides for two types of reports. The first report is identical to the one that is found in the act, and the second type permits the commissioner to make a report as a result of

any matter dealt with under the bill. This, one can argue, expands the authority of the commissioner. If he or she is of the view that a practice, procedure or law affecting the public complaint should be altered, these reports are initially made at the Metropolitan Board of Commissioners of Police, the chief of police and the Metropolitan Toronto Police Association. Within 90 days, the Metropolitan Board of Commissioners of Police shall forward such report, along with its comments and any comments submitted by the other two initial recipients, to the Attorney General, the Solicitor General and the commissioner.

The addition of the second report concerning the complaints procedure itself is undoubtedly an improvement in the bill, although the wording of subsection 21(2) may be considered somewhat restrictive. In order to make this kind of report, it must be "as a result of any matter dealt with under this act," and it is arguable that the commissioner may write a report on practices, procedures or law affecting public complaints as a result of his cumulative experiences that could not be specifically connected on a matter under this act. So the present wording of subsection 21(2) is broad enough that it has rendered the possibility of this, but it still seems somewhat remote.

I submit that no damage would be done to the bill if the phrase that I have just quoted were removed, allowing the commissioner simply to make a report when he feels it is necessary. That is slightly broader in its approach and it would place more powers in the hands of commissioner. Indeed, when we look at the procedure of ombudsmen all over the world, we see that this is an ongoing, evolving kind of thing and that parliaments have found that giving those kinds of discretions to the Ombudsman often lead to improvements in legislation and in procedures and practices.

In summary, I would like to say that I am going to deal with a few other matters in committee of the whole after we have heard the inquiries, but I hope that in giving in this great detail my concerns about certain sections the minister will have a few days to meet with his staff and deal with my concerns. I appreciate the opportunity to speak at this length and in this detail on what is a very important bill.

Mr. Elston: Mr. Speaker, I have a few very brief comments. Because of my absence due to a previous commitment to a meeting, my party's position was put partially by the member for Brant-Oxford-Norfolk (Mr. Nixon). I wanted to set out a couple of concerns I have about the bill. I have not the number of remarks that my

colleague the member for Etobicoke (Mr. Philip) had prepared to present this morning.

I do want to start off by saying, however, that I also had an opportunity of visiting with and being briefed by the commissioner who acts under this act and I found that a number of the items we dealt with three years ago when this bill first came before us as part of a project, as it was described in that particular bill, have now been met by the operation and personal interventions of the commissioner.

It has, to a large extent, become what we determined during our committee hearings would be the case; that is, it is a bureau that largely revolves around the operations of a person and his staff who have shaped the direction in which this program has turned.

They have done a number of things to alleviate the problems we saw in committee three years ago. That is largely a result of personal interventions of the commissioner and his staff rather than directions in the legislation that was laid out in those early days in 1981.

One of my concerns, which is not addressed by this legislation and cannot really be addressed from the standpoint of legislated material, is what do we do in the case of the retirement of the commissioner? What do we do with a board that is so largely dependent on the personality and personal goals and aims of individuals to ensure that there will be continuity at the time a retirement occurs? As well, what happens when the staff decide they have other interests they would prefer to pursue?

At this time, we are dealing with the formative years of this project. I have concern that the formative years must somehow be more strongly engrained in the spirit of the legislation. I know we are making some changes that will catch up with the de facto procedures that were put in place.

There are other procedures that would probably strengthen the operation of this act. At the end of the three-year period we will probably have an opportunity of reviewing the performance of this bureau and we will again be able to consider making them. There are lots of steps people would like to take that would probably go further in the directions we discussed in 1981, when this matter was before the committee at some length.

To change the note for a moment, it concerns me somewhat that the legislation we are now looking at could have been anticipated by us much earlier in the session. It was tabled in the Legislature at a late stage. We all know

December 20 is the cutoff date for the implementation of any new follow-up legislation.

We are dealing with the review of a pilot project in the operation of a police complaints bureau. After the massive intervention by public participants three years ago, we should have had an opportunity as legislators to have all those people come back in front of the committee again to indicate their concerns.

There has been an agreement that we will go to committee and hear some people who wish to make interventions to the committee members. I somehow feel that is not quite good enough. One of the problems we had in 1981 was that we had to choose between the various philosophical directions in which this bureau would go. We decided on one and the commissioner has worked under the terms of that legislation.

To be fair to the citizens who took the time in 1981 to come before us, it really ought to be open for them to come back in 1984 to tell us, "My goodness, we were wrong when we intervened in 1981 with our concerns," or, "We were right then, we still think we are right and we think the bill should be further amended," or, "We still think we were right, but the operations of the bureau have been such that our concerns were not well founded."

I feel in many ways that opportunity should have been afforded to us and we should have had a much broader opportunity to hear those concerns expressed to a legislative committee. Unfortunately, as a result of the timing of the introduction of this material in the House, a reasonable opportunity is not given to those people. I do not think it is proper for the people who are legislators either. It does not give us a chance to weigh what our problems were in the balance in 1981 with respect to what we are getting in 1984.

12:40 p.m.

That is a concern I must express to the Attorney General. I realize that sometimes his schedule is busy and he may get carried away with other operations. In the early days in 1981, one of the difficulties was that the poor gentleman was involved not only as Attorney General but also as Solicitor General. We really know how weighty the interventions in both of those ministerial operations would be for the gentleman who now wishes to lead the Progressive Conservative Party of Ontario.

It seems to me that some of the weight could have been taken off his shoulders and off our shoulders here in the House if he had come to us this fall and said on October 9, October 10 or

whenever the first opportunity would have been: "I have a bill prepared. Let us introduce it today. Then let us have second reading and schedule the hearings so that the people who appeared before us in those hearings in 1981 can come back and tell us they are satisfied or that they wish to decline to attend because they are happy with it or whatever."

Perhaps when the Attorney General takes on the leadership of the government party on January 26, 1985, his first mandate to those whom he gathers around him to give him wisdom and counsel will be that they must at the first opportunity bring very important legislative matters such as this to the attention of the members and the assembly. I do not have the experience in politics the Attorney General does, of course, but it seems to me that this might be something worth remembering.

We still have two or three concerns I would like to have addressed either in reply or, if time allows, in committee. We expressed a concern in 1981 about the difficulty some people may encounter with the funding required to have their own legal representation and about the imbalance facing the complainant, who may not be able to afford legal counsel.

I realize that the complaints are processed before the board by counsel who are appointed and paid by government, but in the short haul the individual who must make the decision, who may feel somewhat intimidated by the whole process and the bureaucracy, as a number of people are, might feel responsible enough to go out and get some legal counsel, in which case he is going to pay out of his own pocket.

That is not a problem, it seems to me, for the person on the other side who may be the subject of the complaint. In fact, he has almost immediate access to counsel, which is well paid for and is provided through various authorities, whether it be the commissioner, his association or whatever.

I raise this question once again merely so the minister can address it today. I also would like to know, to follow upon the comments of the member for Etobicoke, what prevents us from including in the operation of this act the review mechanism of the Ombudsman of Ontario. In view of his abilities to intervene, I think at some point it may be well worth while to consider this as an alternative. Perhaps the minister can express the degree to which he has reconsidered his position on that point.

The other things I had some concerns about were raised in the other two presentations, but I

do also want to indicate that sometimes when it comes down to having hearings—and there have been 17 official hearings during the last three years, if I am not mistaken; I may be wrong and I am subject to correction on that—when witnesses are required to come in, perhaps there could be some review of the possibility of providing witness fees. It is not unusual to have people take time off their employment to come in and be the subject of a hearing. Perhaps witness fees, with whatever else is required, would provide people with some way of compensating themselves for loss of pay.

I do not suspect at this stage that this is something to which the police officer, for instance, would be subject. I presume in most cases, unless there is an automatic suspension or whatever pending the results, he would be on full salary until such time as a determination was made under the legislation.

There are two or three other concerns which will probably be best addressed in our committee review of this bill, but if I could have the Attorney General address those two or three items at this stage, I would like to indicate once again for the record that we support in principle the bill as it is provided to us, so it can continue something that has proved to be in most cases fairly satisfactory in its operation.

It would have been nice if we had had a few more days to do a full review and to see exactly how many of the groups that appeared in front of us in 1981 would come up with an endorsement of the operation of this pilot project in 1984.

Hon. Mr. McMurtry: Mr. Speaker, I would like to endorse very strongly some of the comments of the members opposite with respect to the leadership that has been provided by Mr. Linden and the very effective contribution he has made through this very important pilot project to the broader community. In particular, the member for Brant-Oxford-Norfolk and the member for Etobicoke were very generous in their praise of Mr. Linden and his office. I would like to support enthusiastically the sentiments that were behind their comments. They are obviously sentiments I share totally.

With Mr. Linden today is Mr. Stephen Ginsberg. I think his correct title is executive director of the office. Under Mr. Linden's direction, together with the rest of the staff, he has made a very major contribution to police community relations in Metropolitan Toronto. As police are almost always at the focal point of citizens' concerns, the maintenance of harmoni-

ous citizen-police relations is and should be a major objective of all of us, as I am sure it is.

Given the pluralistic nature of Metropolitan Toronto, there are obviously numerous special challenges to law enforcement in this area. Particularly when there are so many different cultures and traditions represented in Metropolitan Toronto, it does not come as any surprise to all of us in this Legislature that attitudes differ and the occasional potential for misunderstanding or insensitivity on both sides is always very real. It would be rare, given the circumstances, if this were not to occur from time to time.

Mr. Linden and his office have done a great deal to enhance these relationships and to defuse some very difficult situations. As has been noted, this is true not only in respect to the case-by-case matters they must deal with, as important as these matters are, but also relates to some issues that might be said to be of systemic concern.

12:50 p.m.

I think this is an important day in the life of Metropolitan Toronto, indeed in the life of this province, as we approach this legislation on the occasion of its second reading. I apologize to any of the members opposite who would have preferred to have had this legislation introduced earlier in the fall and to have been allowed more time for concerned citizens to appear before the standing committee on administration of justice. In the best of all possible worlds, this would have been desirable.

The events of Thanksgiving Monday, I suppose, took us all by surprise concerning what the legislative program might or might not be in the parliament of Ontario in the weeks that followed. But I did indicate to the members, I think it was last June, our intention to make this project permanent.

As I recall, I certainly invited all members to express their concerns and to dialogue directly with Mr. Linden and his staff, as many of the members have done. To me, this dialogue has represented a very important contribution to the pilot project and to the transition between the pilot project and making this a permanent institution to the extent that any institution can be permanent in the life of our community.

I appreciate the comments from members opposite. The member for Etobicoke has made a number of very thoughtful comments about this legislation, which I will not be able to deal with today during the time permitted. But we will be addressing all of the concerns expressed by members opposite during the committee consideration of this important legislation.

There are two or three matters I would like to address. The member for Brant-Oxford-Norfolk again came back to the concerns that were expressed by his party when this legislation was passed almost three years ago. He talked about a very fundamental principle of the legislation, which is why I am taking a few moments now. He spoke of the relationship between this independent civilian review and the responsibility and accountability of the police department, in this case the Metropolitan Toronto police department, in the first instance.

It was suggested, echoing the thoughts of other community groups, that the civilian agency should have the responsibility for the handling of citizens' complaints against the police from the beginning and that there should be no police intervention or initial investigation.

As I said several years ago, and I repeat, it is my respectful view—and I realize there are issues about which reasonable people can and will disagree—having had the benefit of almost three years' experience with this important project, that this experience has only reinforced my earlier views on the importance of maintaining police responsibility and accountability in dealing directly with citizens' complaints, at least in the first instance, and where possible, as I hope it will be in the vast majority of cases, resolve these complaints to the satisfaction of the citizens involved.

The criteria are responsibility, accountability and maintaining the control and accountability internally that are so essential to the effective operation of any police force. It certainly is my view, strengthened by our experience, that to remove this responsibility and initial accountability from the police force would have been a very bad mistake for a number of reasons. I will touch on them only briefly; this is a subject that could occupy a good deal of our time.

It is important to maintain that accountability and responsibility, as I have stated. Experience here and elsewhere throughout the world has indicated that when that responsibility is removed, what invariably happens is the independent investigative agency that has responsibility for investigating these complaints invariably find itself immediately or almost immediately in an unnecessary confrontation, an adversarial position and relationship, with the police. I do not have the time to go into the reasons that is so. This has been explored, and the experience is available for our scrutiny.

Giving the police the first responsibility—and many police officers would prefer not to have

that initial responsibility—potentially ensures a more effective investigation because the truth is more likely to be found in an internal review by the people who are most likely to know how to get at the facts. That is the reality of policing today.

The people doing the investigation know that when the initial investigation is done, it may well be reviewed by an independent agency. Knowing that it is going to be reviewed and possibly investigated has a very salutary influence in encouraging a good investigation at the beginning. In this respect, the individual citizen has two opportunities to have his or her concerns properly addressed.

It is worth repeating in this Legislature that one of the great law reformers in the history of Britain, living today, Lord Scarman, made an inquiry into the serious disturbances in Brixton, which involved major problems in police-community relations. In his report to the British government, he recommended our Ontario model as the best he and his researchers had been able to find anywhere. We in this Legislature should be proud of that fact and proud of what we have accomplished.

I would have liked to have raised some other issues in the presence of the member for Brant-Oxford-Norfolk, but for some reason he has left before giving me an opportunity to address some of his concerns. In particular, he reflected on the fact that his comments about lawyers and police were distributed by the Attorney General from time to time to the parties most interested. I want to say to that distinguished member of the Legislature that any time I can give him a wider audience, I will remain committed to what is obviously something so clearly in the public interest.

There are a number of other issues that we will deal with in committee. I would like to thank the members opposite, in particular the member for Etobicoke, for their thoughtful and important contributions to this debate.

The Deputy Speaker: All those in favour of second reading of Bill 140 will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Bill ordered for standing committee on administration of justice.

The House adjourned at 1 p.m.

APPENDIX A

ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

OUTSTANDING FINES

540. Mr. Renwick: Will the ministry please advise for each judicial district the total amount of outstanding fines which were uncollected as of March 31, 1983, and as of March 31, 1984, under each of the following headings: (a) Criminal Code offences; (b) municipal infractions; (c) Highway Traffic Act offences; and (d) other provincial statute offences, together with, in each heading, as a separate item, the court costs also remaining uncollected? [Tabled October 17, 1984]

See sessional paper 281.

ROYAL COMMISSION ON THE
NORTHERN ENVIRONMENT

541. Mr. Van Horne: Will the Attorney General table the following information concerning the Royal Commission on the Northern Environment: (1) money spent to date; (2) has a deadline been set for its report; and (3) have there been any further financial commitments made by the government to the commission, and for how much? [Tabled October 22, 1984]

Hon. Mr. McMurtry: (1) Expenditures to March 31, 1984: \$10,072,806. (2) No deadline has been set for completion of the commission's report. However, commission staff have indicated that the report will be available early in

1985. (3) Management Board of Cabinet has approved operating expenditures of \$519,000 for 1984-85.

TRIMINISTRY PROJECT

544. Mr. McClellan: Will the Minister of Community and Social Services table a copy of the report on Triminsty and Homes for Special Care for the Central Region Co-ordinators by Mike Jarvis? [Tabled October 24, 1984]

Hon. Mr. Drea: The report referred to was working documents comprising information for (a) internal use and classified as confidential and (b) the development of a field manual. The manual, in draft form, now has been distributed to the relevant agencies and consultation is under way. This draft manual is available upon request.

NURSING HOME CARE

555. Mr. Cooke: Will the ministry provide all information it has about the levels of staffing provided at Extendicare Skilled Nursing Centre, Peterborough, Riverview Manor Nursing Home and Elm Tree Nursing Home; specifically, for all dates on which inspectors were in these homes, how many hours per day of nursing and personal care per resident were provided?

Hon. Mr. Norton: Based on the last nursing inspection, the staffing in the homes was as follows:

Date of Inspection	Nursing Home	Nursing and Personal Care Hours
Nov. 7, 1984	Elm Tree	2.46 hours/resident/day + 120 activity hours/week
Jan. 26, 1984	Extendicare/ Peterborough	1.62 hours/resident/day + 92 activity hours/week
Aug. 29, 1984	Riverview Manor	1.67 hours/resident/day + 40 activity hours/week

PSYCHIATRIC HOSPITALS

589. Mr. Cooke: Will the Minister of Health provide the following data on patients in the 10 provincial psychiatric hospitals: (1) what were the methods of admission for each of the provincial psychiatric hospitals in 1982 and 1983; (2) what are the numbers of patients currently in provincial psychiatric hospitals by age and diagnosis; (3) what are the numbers of admissions for each hospital by age, sex and diagnosis for the year 1983-84; (4) what are the

numbers of discharges for each hospital by age, sex and diagnosis for the year 1983-84; and (5) what is the number and classification of staff for each of the 10 hospitals in 1983-84? [Tabled November 16, 1984]

See sessional paper 282.

DOCTORS' INCOMES

590. Mr. Cooke: Will the ministry indicate its best estimate of the average incomes of (1) general practitioners and (2) medical specialists

according to the Weiler method of calculation for 1980, 1981, 1982, 1983, 1984 and 1985? [Tabled November 16, 1984]

Hon. Mr. Norton: Consistent with the Weiler methodology, the Ministry of Health best estimates of the average net incomes of full-time practising physicians during the period 1980-81 to 1985-85 are as follows:

Period	Practitioners \$	Specialists \$
1980-81	55,000	81,000
1981-82	66,000	97,000
1982-83	78,000	116,000
1983-84	87,000	134,000

Information is maintained on a fiscal year basis. No information is available for 1984-85 at this time.

NURSING HOMES

591. Mr. Cooke: Will the ministry list by nursing home the number of beds that are designated by the ministry as "heavy-care" beds and indicate the average hours of nursing and personal care provided to residents of these homes? [Tabled November 16, 1984]

Hon. Mr. Norton: The Ministry of Health does not designate beds as heavy care. Those nursing homes recently awarded additional beds have made a commitment to provide a certain percentage of their licensed capacity for heavy care at any given time.

As of April 1984, the estimated average hours of nursing and personal care provided per resident per day in nursing homes across the

province was 2.06. This includes the nursing homes referred to above.

INTERIM ANSWER

592. Mr. Cooke: Hon. Mr. Norton—The answer will be provided on or about December 31, 1984.

RESPONSE TO PETITION

RESHAPING OF UNIVERSITY SYSTEM

See sessional paper 255.

Hon. Miss Stephenson: Decisions on funding universities and all other public services are taken in the context of prevailing and projected economic conditions, the relative priorities and needs of those sectors and the province's fiscal capacity. Government cannot accede to the wishes and demands of the universities at the expense of other public services that have equal claim to government's attention.

Annual increases in government support for Ontario universities over the past three years exceeded the rate of inflation. In 1983-84, Ontario's increase was the second highest in Canada. In 1984-85, Ontario's increase is 6.5 per cent, the highest in Canada, at a time when inflation is expected to be about five per cent. This, I believe, is clear recognition by the government of the importance of post-secondary education for the future economic growth of our province.

The petition will be given all due consideration in the process of determining the operating grants to universities for 1985-86.

APPENDIX B
ALPHABETICAL LIST OF MEMBERS*
 (117 members)

Fourth Session, 32nd Parliament

Lieutenant Governor: Hon. J. B. Aird, OC, QC

Speaker: Hon. John M. Turner

Clerk of the House: Roderick Lewis, QC

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- | | |
|---|--|
| Allen, R. (Hamilton West NDP) | Grande, T. (Oakwood NDP) |
| Andrewes, Hon. P. W., Minister of Energy
(Lincoln PC) | Gregory, Hon. M. E. C., Minister of Revenue
(Mississauga East PC) |
| Ashe, Hon. G. L., Minister of Government
Services (Durham West PC) | Grossman, Hon. L. S., Treasurer of Ontario
and Minister of Economics (St. Andrew-St.
Patrick PC) |
| Baetz, Hon. R. C., Minister of Tourism and
Recreation (Ottawa West PC) | Haggerty, R. (Erie L) |
| Barlow, W. W. (Cambridge PC) | Harris, M. D. (Nipissing PC) |
| Bennett, Hon. C. F., Minister of Municipal
Affairs and Housing (Ottawa South PC) | Havrot, E. M. (Timiskaming PC) |
| Bernier, Hon. L., Minister of Northern
Affairs (Kenora PC) | Henderson, L. C. (Lambton PC) |
| Birch, M. (Scarborough East PC) | Hennessy, M. (Fort William PC) |
| Bradley, J. J. (St. Catharines L) | Hodgson, W. (York North PC) |
| Brandt, Hon. A. S., Minister of the Environ-
ment (Sarnia PC) | Johnson, J. M. (Wellington-Dufferin-Peel PC) |
| Breaugh, M. J. (Oshawa NDP) | Johnston, R. F. (Scarborough West NDP) |
| Bryden, M. H. (Beaches-Woodbine NDP) | Jones, T., Deputy Speaker and Chairman of the
Committees of the Whole House (Mississauga
North PC) |
| Charlton, B. A. (Hamilton Mountain NDP) | Kells, M. C. (Humber PC) |
| Conway, S. G. (Renfrew North L) | Kennedy, R. D. (Mississauga South PC) |
| Cooke, D. S. (Windsor-Riverside NDP) | Kerr, G. A. (Burlington South PC) |
| Cousens, D., Deputy Chairman of the Commit-
tees of the Whole House (York Centre PC) | Kerrio, V. G. (Niagara Falls L) |
| Cureatz, S. L. (Durham East PC) | Kolyn, A. (Lakeshore PC) |
| Davis, Hon. W. G., Premier (Brampton PC) | Lane, J. G. (Algoma-Manitoulin PC) |
| Dean, Hon. G. H., Provincial Secretary for
Social Development (Wentworth PC) | Laughren, F. (Nickel Belt NDP) |
| Di Santo, O. (Downsview NDP) | Leluk, Hon. N. G., Minister of Correctional
Services (York West PC) |
| Drea, Hon. F., Minister of Community and
Social Services (Scarborough Centre PC) | Lupusella, A. (Dovercourt NDP) |
| Eakins, J. F. (Victoria-Haliburton L) | Mackenzie, R. W. (Hamilton East NDP) |
| Eaton, Hon. R. G., Minister without Portfolio
(Middlesex PC) | MacQuarrie, R. W. (Carleton East PC) |
| Edighoffer, H. A. (Perth L) | Mancini, R. (Essex South L) |
| Elgie, Hon. R. G., Minister of Consumer and
Commercial Relations (York East PC) | Martel, E. W. (Sudbury East NDP) |
| Elston, M. J. (Huron-Bruce L) | McCaffrey, R. B. (Armourdale PC) |
| Epp, H. A. (Waterloo North L) | McCague, Hon. G. R., Chairman, Manage-
ment Board of Cabinet (Dufferin-Simcoe PC) |
| Eves, E. L. (Parry Sound PC) | McClellan, R. A. (Bellwoods NDP) |
| Fish, Hon. S. A., Minister of Citizenship and
Culture (St. George PC) | McEwen, J. E. (Frontenac-Addington PC) |
| Foulds, J. F. (Port Arthur NDP) | McGuigan, J. F. (Kent-Elgin L) |
| Gillies, P. A. (Brantford PC) | McKessock, R. (Grey L) |
| Gordon, J. K. (Sudbury PC) | McLean, A. K. (Simcoe East PC) |
| | McMurtry, Hon. R. R., Attorney General
(Eglinton PC) |
| | McNeil, R. K. (Elgin PC) |
| | Miller, Hon. F. S., Minister of Industry and
Trade (Muskoka PC) |
| | Miller, G. I. (Haldimand-Norfolk L) |
| | Mitchell, R. C. (Carleton PC) |

Newman, B. (Windsor-Walkerville L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K. C., Minister of Health
 (Kingston and the Islands PC)
 O'Neil, H. P. (Quinte L)
 Peterson, D. R. (London Centre L)
 Philip, E. T. (Etobicoke NDP)
 Piché, R. L. (Cochrane North PC)
 Pollock, J. (Hastings-Peterborough PC)
Pope, Hon. A. W., Minister of Natural Resources
 (Cochrane South PC)
 Rae, R. K. (York South)
Ramsay, Hon. R. H., Minister of Labour (Sault
 Ste. Marie PC)
 Reed, J. A. (Halton-Burlington L)
 Riddell, J. K. (Huron-Middlesex L)
 Robinson, A. M. (Scarborough-Ellesmere PC)
 Rotenberg, D. (Wilson Heights PC)
 Runciman, R. W. (Leeds PC)
 Ruprecht, T. (Parkdale L)
 Ruston, R. F. (Essex North L)
 Samis, G. R. (Cornwall NDP)
 Sargent, E. C. (Grey-Bruce L)
 Scrivener, M. (St. David PC)
 Sheppard, H. N. (Northumberland PC)
 Shymko, Y. R. (High Park-Swansea PC)
Snow, Hon. J. W., Minister of Transportation
 and Communications (Oakville PC)
 Spensieri, M. A. (Yorkview L)
Stephenson, Hon. B. M., Minister of Education
 and Minister of Colleges and Universities
 (York Mills PC)
Sterling, Hon. N. W., Provincial Secretary for
 Resources Development (Carleton-Grenville
 PC)
 Stevenson, K. R. (Durham-York PC)
 Stokes, J. E. (Lake Nipigon NDP)
 Swart, M. L. (Welland-Thorold NDP)
 Sweeney, J. (Kitchener-Wilmot L)
Taylor, Hon. G. W., Solicitor General (Simcoe
 Centre PC)
 Taylor, J. A. (Prince Edward-Lennox PC)
Timbrell, Hon. D. R., Minister of Agriculture
 and Food (Don Mills PC)
 Treleaven, R. L. (Oxford PC)
Turner, Hon. J. M., Speaker (Peterborough
 PC)
 Van Horne, R. G. (London North L)
 Villeneuve, N. (Stormont, Dundas and Glen-
 garry PC)
Walker, Hon. G. W., Provincial Secretary for
 Justice (London South PC)
 Watson, A. N. (Chatham-Kent PC)

Welch, Hon. R. S., Deputy Premier and
 Minister responsible for Women's Issues
 (Brock PC)
Wells, Hon. T. L., Minister of Intergovern-
 mental Affairs (Scarborough North PC)
 Wildman, B. (Algoma NDP)
 Williams, J. R. (Orillia PC)
 Wiseman, D. J. (Lanark PC)
 Worton, H. (Wellington South L)
 Wrye, W. M. (Windsor-Sandwich L)
 Yakabuski, P. J. (Renfrew South PC)

MEMBERS OF THE EXECUTIVE COUNCIL

Davis, Hon. W. G., Premier and President of the
 Council
 Welch, Hon. R. S., Deputy Premier and Minister
 responsible for Women's Issues
 Wells, Hon. T. L., Minister of Intergovern-
 mental Affairs
 Bernier, Hon. L., Minister of Northern Affairs
 Snow, Hon. J. W., Minister of Transportation
 and Communications
 Bennett, Hon. C. F., Minister of Municipal
 Affairs and Housing
 Miller, Hon. F. S., Minister of Industry and
 Trade
 Timbrell, Hon. D. R., Minister of Agriculture
 and Food
 Stephenson, Hon. B. M., Minister of Education
 and Minister of Colleges and Universities
 McMurtry, Hon. R. R., Attorney General
 Norton, Hon. K. C., Minister of Health
 Drea, Hon. F., Minister of Community and
 Social Services
 Grossman, Hon. L., Treasurer of Ontario and
 Minister of Economics
 McCague, Hon. G., Chairman of Management
 Board of Cabinet and Chairman of Cabinet
 Baetz, Hon. R. C., Minister of Tourism and
 Recreation
 Elgie, Hon. R. G., Minister of Consumer and
 Commercial Relations
 Walker, Hon. G. W., Provincial Secretary for
 Justice
 Gregory, Hon. M. E. C., Minister of Revenue
 Pope, Hon. A. W., Minister of Natural
 Resources
 Leluk, Hon. N. G., Minister of Correctional
 Services
 Ashe, Hon. G. L., Minister of Government
 Services
 Ramsay, Hon. R. H., Minister of Labour
 Sterling, Hon. N. W., Provincial Secretary for
 Resources Development
 Taylor, Hon. G. W., Solicitor General

Eaton, Hon. R. G., Minister without Portfolio
 Andrewes, Hon. P. W., Minister of Energy
 Brandt, Hon. A. S., Minister of the Environment
 Dean, Hon. G. H., Provincial Secretary for
 Social Development
 Fish, Hon. S. A., Minister of Citizenship and
 Culture

PARLIAMENTARY ASSISTANTS

Birch, M. (Scarborough East), assistant to the
 Premier
 Cureatz, S. L. (Durham East), assistant to the
 Solicitor General
 Eves, E. L. (Parry Sound), assistant to the
 Minister of Education and the Minister of
 Colleges and Universities
 Gillies, P. A. (Brantford), assistant to the
 Minister of Labour
 Gordon, J. K. (Sudbury), assistant to the
 Minister of Community and Social Services
 Harris, M. D. (Nipissing), assistant to the
 Minister of the Environment
 Hennessy, M. (Fort William), assistant to the
 Minister of Northern Affairs
 Hodgson, W. (York North), assistant to the
 Minister of Government Services
 Kells, M. C. (Humber), assistant to the Minister
 of Transportation and Communications
 Kennedy, R. D. (Mississauga South), assistant
 to the Minister of Intergovernmental Affairs
 Lane, J. G. (Algoma-Manitoulin), assistant to
 the Minister of Tourism and Recreation
 MacQuarrie, R. W. (Carleton East), assistant to
 the Attorney General
 McNeil, R. K. (Elgin), assistant to the Minister
 of Agriculture and Food
 Mitchell, R. C. (Carleton), assistant to the
 Minister of Health
 Piché, R. L. (Cochrane North), assistant to the
 Minister of Revenue
 Robinson, A. M. (Scarborough-Ellesmere),
 assistant to the Minister of Citizenship and
 Culture
 Rotenberg, D. (Wilson Heights), assistant to the
 Minister of Municipal Affairs and Housing
 Shymko, Y. R. (High Park-Swansea), assis-
 tant to the Provincial Secretary for Social
 Development
 Stevenson, K. R. (Durham-York), assistant to
 the Treasurer of Ontario and Minister of
 Economics
 Taylor, J. A. (Prince Edward-Lennox), assistant
 to the Minister of Industry and Trade
 Watson, A. N. (Chatham-Kent), assistant to the
 Minister of Energy

Williams, J. R. (Orillia), assistant to the Minister
 of Consumer and Commercial Relations
 Yakabuski, P. J. (Renfrew South), assistant to
 the Minister of Natural Resources

STANDING COMMITTEES

Administration of justice: chairman, Mr. Kolyn;
 vice-chairman, Mr. MacQuarrie; members,
 Messrs. Cureatz, Eves, Mitchell, Spensieri,
 Stevenson, Swart and Williams; clerk, F.
 Carrozza.

General government: chairman, Mr. McLean;
 vice-chairman, Mr. Harris; members, Messrs.
 Eakins, Foulds, Gillies, Gordon, Haggerty,
 Hennessy, Hodgson, McKessock, Piché and
 Samis; clerk, T. Decker.

Resources development: chairman, Mr. Barlow;
 vice-chairman, Mr. Villeneuve; members,
 Messrs. Havrot, Lane, Laughren, Lupusella,
 Mancini, McNeil, Riddell, Sweeney, Watson
 and Yakabuski; clerk, D. Arnott.

Social development: chairman, Mr. Kerr; vice-
 chairman, Mr. Kells; members, Messrs. Hender-
 son, R. F. Johnston, Mackenzie, McGuigan,
 Pollock, Robinson, Shymko, Wiseman and
 Wrye; clerk, L. Mellor.

Members' services: chairman, Mr. J. M. John-
 son; vice-chairman, Mr. Lane; members,
 Messrs. Charlton, Elston, Grande, Kennedy,
 G. I. Miller, Rotenberg, Runciman, Ruprecht,
 Shymko and Wiseman; clerk, A. Richardson.

Procedural affairs: chairman, Mr. Treleaven;
 vice-chairman, Mr. Watson; members, Messrs.
 Breaugh, Charlton, Cureatz, Edighoffer, Epp,
 Kells, Mancini, McNeil, Rotenberg and Villen-
 euve; clerk, S. Forsyth; assistant clerk, T.
 Decker.

Public accounts: chairman (vacancy); vice-
 chairman, Mr. Eves; members, Messrs. Bradley,
 Havrot, Kennedy, Kolyn, Philip, Sargent, Mrs.
 Scrivener, Messrs. J. A. Taylor and Wildman;
 clerk, F. Carrozza.

Regulations and other statutory instruments:
 chairman, Mr. Sheppard; vice-chairman, Mr.
 Gillies; members, Messrs. Cousens, Di Santo,
 Hennessy, Hodgson, Kerrio, Piché, Robinson,
 Swart, Sweeney and Van Horne; clerk, A.
 Richardson.

SELECT COMMITTEE

Ombudsman: chairman, Mr. Runciman; mem-
 bers, Messrs. Di Santo, Eakins, Hennessy,
 Hodgson, Lane, MacQuarrie, Mitchell, Philip,
 Sheppard and Van Horne; clerk, D. Arnott.

*The lists in this appendix, brought up to date as necessary, are published in Hansard on the first Friday of each month and in the first and last issues of each session.

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Appendix A

Answers to questions in Orders and Notices

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Ontario

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Fourth Session, 32nd Parliament

Monday, December 10, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, December 10, 1984

The House met at 2 p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

Mr. Nixon: What ministry?

Mr. Speaker: Oral questions.

Mr. Sweeney: Here we go again.

Mr. Nixon: One, two, three, four.

Mr. Martel: Why do we not have a little rest? I am not sure we have even a quorum.

Mr. Kerrio: I could give you some cabinet ministers.

Mr. Bradley: Here is one; that makes four and a half.

Mr. Speaker: Order. The member for Renfrew North.

ABSENCE OF MINISTERS

Mr. Conway: Mr. Speaker, my first question is for the Treasurer (Mr. Grossman), who I understand is in the precincts. My second question is for the Provincial Secretary for Justice (Mr. Walker), who, we are informed, will also be here today. In consideration of their arrival, I suppose I will stand the questions down.

If I could take a moment, I must say I saw the Premier (Mr. Davis) of Ontario on television the other night. I understand he still thrives in this province.

Mr. Speaker: Order.

Mr. McClellan: Mr. Speaker, I have exactly the same problem. We have a number of questions and none of the relevant ministers is here. I have questions for the Minister of Municipal Affairs and Housing (Mr. Bennett) and the Minister of Government Services (Mr. Ashe). Perhaps I can also stand my questions down until they arrive.

Mr. Martel: Mr. Speaker, might I ask that you consider recessing for 10 minutes until some ministers come in? You can do it. You have been known to recess this House before.

Mr. Conway: I agree with my friend from the New Democratic Party. The government House leader (Mr. Wells) indicates that the ministers who indicated they would be here are on their

way. To facilitate the arrangements of the government House leader, perhaps we should have a five- or 10-minute recess so that the business of the House can then proceed in an orderly manner.

Hon. Mr. Wells: Mr. Speaker, I can sympathize with the feelings of my friend, but there are ministers here.

Mr. Martel: We do not have any questions for them.

Hon. Mr. Wells: With some of them, the members opposite usually take up half the question period. My friend the Minister of the Environment (Mr. Brandt) is here expecting to be occupied for quite a considerable part of the time. He has come prepared and, if anyone has a question he would like to direct to him, I am sure the minister would be happy to answer that question now.

That will give some of the people who sit behind the honourable member, who are always telling us they do not have enough time to get their questions in because of the leaders' questions, a chance to ask a question.

Anyway, I would indicate that we do have some ministers here who would be most happy to answer questions.

Mr. Allen: Mr. Speaker, I have a question I would like to direct to the Minister of Labour.

Mr. Speaker: Just a minute now. If we are going to do this, let us keep it in rotation.

Mr. Bradley: This is not a leader's question.

Mr. Speaker: No.

Mr. Bradley: We have stood those down.

ORAL QUESTIONS

EMPLOYMENT OF ELDERLY

Mr. Bradley: Mr. Speaker, I will direct my question to the Minister of Labour, since he is here today, as he is so very often. I must compliment him for being here.

As the minister is aware, the focus of much attention in recent months has been on the plight of young people as it relates to being unemployed, and, indeed, the figures for that particular group are extremely high.

I would like to direct the minister's attention, however, to the plight of older workers who have been thrown out of work, who have had their employment terminated after many years of service with a company and who have had little success in obtaining a new job.

What initiatives, over and above those that already exist and are obviously not working for so many of our older unemployed people, does the minister have for individuals such as one of my constituents who is 61 years old and has been unemployed for 17 months? What initiatives does the minister have for this kind of individual?

Hon. Mr. Ramsay: Mr. Speaker, I have that same type of problem in my constituency, as each of us in this Legislature has, particularly in my area, where unemployment is approximately 20 per cent; the honourable member's area is not very far away from that figure, either. I am well aware of the problem, not only from a constituency point of view but also across the province.

There were some incentives in the budget that was presented by the Treasurer. I am groping for the name of the program, but there is a program that provides initiatives for those industries and businesses that take on older employees. An amount of money was set aside in the budget.

Further than that, though, and more appropriately and more recently, just a week ago today I and the other members of the cabinet committee on manpower met here in Toronto with the Honourable Flora MacDonald. We had a wide range of agenda items on that day, but one of the items we addressed was the plight of the workers in the category the member has mentioned.

Mr. Bradley: Since age discrimination is so often the real reason for the inability of such individuals to obtain employment for individuals such as the 61-year-old whom I brought to the minister's attention, and since the prospects of an older worker who is somewhat close to retirement getting a job are so dim, would the minister not agree with me that there is a need for new and different initiatives on the part of his government to assist such people?

Since the public sector should set an example for everyone by refusing to practise age discrimination, would the minister be prepared to give an undertaking to the House that older job-seekers in our province will be given an opportunity to obtain employment with the government of Ontario and with those agencies, boards and commissions under the direct or indirect control of the provincial government

instead of simply having the door slammed in their faces?

Hon. Mr. Ramsay: I am sorry, but I am not quite clear. The member is referring to the agencies, boards and commissions—

Mr. Bradley: Of the government of Ontario.

Hon. Mr. Ramsay: —of the government of Ontario. My personal experience is that most of the people whom I have the opportunity of getting appointed to various agencies, boards and commissions fall into the age group the member is talking about.

Mr. Bradley: I am talking about employees rather than appointees.

2:10 p.m.

Hon. Mr. Ramsay: Oh, I see, employees. That is a reasonable proposal put forward by the member. I would like to go just a step farther, though, on this question because it is much broader than that particular point.

The very day I was meeting with the Honourable Flora MacDonald, the Treasurer of Ontario was meeting with his counterparts from across the country on the matter of pensions, another issue that has to be looked at seriously for the wage earner who suddenly, at age 55 or older, is cast aside. According to discussions I have had with the Treasurer, that was explored quite thoroughly at those meetings.

Mr. Cooke: Mr. Speaker, a woman who had been working for Wheel Trueing, a company in Windsor that closed, came into my office a few weeks ago. It was a unionized plant that moved to Mississauga when new foreign interests took over the Canadian operation. It should be a lot easier now with the federal Conservative government. After 28 years of working with this company, her pension at age 54 would be less than \$80 a month. She is now collecting welfare.

Is it not time the government put specific proposals to the federal government on pension reform and on job creation for the elderly so that more people such as this woman are not hurt and thrown on welfare for the rest of their lives?

Hon. Mr. Ramsay: Mr. Speaker, I totally agree with the honourable member, but that is being done. The Treasurer has been doing just that.

PLANT SHUTDOWN

Mr. Allen: Mr. Speaker, the problem of discrimination in the work place, whether against the old or the young, can be solved by keeping open the plants that are closing. I have a question for the Minister of Labour on the subject of the

Canadian Porcelain plant in Hamilton. He will remember I asked him about the plant three weeks ago and he graciously replied to my questions on November 26. I met with the men this morning and learned that 14 of them were terminated a week early last week and 18 more are going this week. There will be only 10 men in the plant next week.

Mr. Speaker: Question, please.

Mr. Allen: Can the minister bring us up to date on what he has learned about this situation? What has he done about it in the past two or three weeks, and can he tell us what we can expect in the future?

Hon. Mr. Ramsay: Mr. Speaker, in complete honesty, we have not been successful in keeping that plant open. We have not been successful in resolving its problems. It is a very sad situation, similar to other plant closures with which we have been dealing, unfortunately on a rather regular basis these past few weeks.

Mr. Allen: The minister may not know that the workers met last week with the vice-president, who assured them he did not want to close the plant and that they had nine buyers on their list at that point. A few days later, there were apparently no buyers. They all evaporated.

Since the minister told me the Ministry of Industry and Trade was involved in looking for investors and buyers and he himself had been directly involved, perhaps he could tell us whether all efforts by the company and by the Ministry of Industry and Trade to find buyers or investors have failed? If so, why, when the product is viable and it is the only Canadian source? What is the economic status of the company, because the workers cannot find out? In particular, what is the status of the company pension fund?

Can the minister explain why a company with which his ministry and the Ministry of Industry and Trade have been so involved still leaves its workers flying in the wind as far as basic information about their future is concerned?

Hon. Mr. Ramsay: It is true there were several buyers interested in that plant because of the initiatives of the Ministry of Industry and Trade. It was out looking for potential buyers, but that is what they were, "potential buyers." When they started to look at the circumstances relating to that firm, they naturally were discouraged. I have confidential figures here indicating the sales in 1981, 1982 and 1983, and the losses, which were substantial. The comparison

between the sales and loss figures is rather dramatic.

I have also been provided on a confidential basis with figures on the money owing by this company and exactly where it stands at the present time. I am afraid any potential buyer looking at the figures I have here would be discouraged. I did not show them the figures, but they would be discouraged.

Mr. Speaker: We will revert to leaders' questions.

HYDRO REVIEW

Mr. Conway: Mr. Speaker, in this historic week when, in a legislative sense, we terminate the premiership of the member for Brampton, my colleagues and I are interested in dispensing with some of the unfinished business of the Davis period.

My first question in this connection would be to the Treasurer, the man who would be Premier on January 26, 1985, and the man in whose name Ontario Hydro borrows its billions. My question concerns the telecast yesterday on CBLT's Dateline Ontario and comments by the Provincial Auditor Mr. Douglas Archer, wherein he indicated that his very curtailed examination of the various questions concerning Ontario Hydro represented—to use his phrase—"a whitewash."

Having regard to the auditor's suggestion and agreement that his recent investigation of some of the major financial questions about Ontario Hydro, its capital expansion program to name the most important—

Mr. Speaker: Question, please.

Mr. Conway: —and having regard to the Treasurer's own comments in the leadership campaign where he says he would conduct a review of Ontario Hydro, particularly in an effort to rein in its \$20-billion debt and his concern about wages and operating costs at the gargantuan utility, in the light of his own comments and in the light of the auditor's rather disturbing summary of his own recent examination of some of these questions, is the Treasurer prepared to give the electrical consumers of Ontario his commitment that he, either as Treasurer or as Premier, would allow, encourage and direct that an independent audit of Ontario Hydro be done and made public?

Hon. Mr. Grossman: Mr. Speaker, I have always understood and followed the rule that in this assembly I am here to speak for the current policy of the government under my auspices as Treasurer and Minister of Economics. I can,

therefore, report only in that capacity during question period and that is all I will do.

Certainly, nothing in this ministry has operated to prevent the auditor from conducting a study. The honourable member would have to ask the Minister of Energy (Mr. Andrewes) whether there is anything else that he would report to this assembly which the auditor might have felt impeded his opportunity to do that. I can only say that, from my standpoint as Treasurer, I have never had difficulty analysing the operations of Hydro, through my very competent staff, or taking steps on behalf of this government when I thought Hydro needed some changes.

The honourable member will recall it was just about a year ago now that we cut Hydro's borrowing by some \$200 million. We did not need or wait for the Provincial Auditor to analyse their operations; we did it ourselves in the Treasury. We feel we are quite competent to do that in order to make that change.

Finally, with respect to the future, I can only indicate, as I have on earlier occasions and as the member has read into the record, there are measures other than the ones the auditor is referring to that might be helpful in the circumstances.

Mr. Conway: To the would-be Premier, having regard to the Provincial Auditor's very worrisome conclusion about his own whitewash examination of major policy questions at the gargantuan public utility and having regard to the Treasurer's own comments and concerns about the debt load, the operating cost, the capital expansion, is he now prepared, as the man in whose name Ontario Hydro borrowed billions, to give the electrical consumers and the people of Ontario an undertaking that he will direct his colleagues in the government majority to allow an independent audit, by either the Provincial Auditor or some outside agency, to now proceed as a matter of urgent and pressing concern?

Hon. Mr. Grossman: I do not now have that authority.

2:20 p.m.

Mr. McClellan: Mr. Speaker, I want to remind the Treasurer again of exactly what the auditor said on Dateline Ontario: "The Tory majority did curtail the nature of the investigation to some extent. We did not look upon that as an audit. We looked upon it more as a fact-finding mission we were sent on. We were not asked to express opinions. You say it is a whitewash job. True."

Earlier in the discussion the auditor said he would like to have both the authority and the

resources in equal measure—I think that is the key thing—to audit a number of crown corporations, including Ontario Hydro, but he is currently prevented from doing so.

Since the Treasurer has not answered the question yet, it is still this: Is he prepared to recommend to his colleagues that the Provincial Auditor be given the authority to do an independent audit of Ontario Hydro without the Tory majority curtailing his investigation? As Treasurer, is he prepared to provide the auditor with the necessary resources so his role can be expanded and he can assume a new mandate?

Hon. Mr. Grossman: I believe our Provincial Auditor is well equipped to exercise the responsibilities of his mandate. On this side of the House—I cannot speak for that side of the House and never will—

Interjections.

Mr. Speaker: Order.

Hon. Mr. Grossman: —the members of the standing committee on public accounts take their responsibilities very seriously, hear the arguments put and make their own decisions. There is no whipped majority on that committee. Knowing the members of that committee as I do, I admire and respect their independence and their judgement.

Mr. Conway: I have a final supplementary of this restraining Treasurer. His recent answers make us believe the Attorney General (Mr. McMurtry) is right when he says, "Come on, Larry, you do not really believe in restraint after all."

Mr. Speaker: Question, please.

Mr. Conway: If the Attorney General is not to be believed about where the Treasurer really stands on these questions of restraint, can the minister give us one good reason why as Treasurer, concerned about the debt load, the capital expansion and the operating costs of this gargantuan public utility, as he has stated in the public press in recent weeks, as the man in whose name Hydro borrows these billions of dollars, he would not want to give Hydro consumers and the people of this province an undertaking and commitment that he will see to it that the majority of which he is a part will allow the auditor of this province to go forward and do the very important work that needs to be done in getting to the truth of the financial practices of our utility?

Then he will not be left with the unhappy record of having the auditor say that all he has been allowed to conduct, as a result of the

machinations of the Tory majority on the public accounts committee, is a whitewash.

Hon. Mr. Grossman: If the member belonged to the right party and had 50 delegates and \$10,000—in his case, the answer is “(d) none of the above”—he might be able to put those positions and engage in the Grossman-McMurtry-Timbrell-Miller dialogue. Fortunately for his sanity, he cannot.

I would remind the member that while the Provincial Auditor might want to undertake this analysis, Ontario Hydro goes through several analyses. They are not done by the Provincial Auditor, but they are very severe. Every year Hydro goes through an analysis with Treasury. There is the analysis it must go through in terms of those who buy its bonds. We have talked about Standard and Poor's, which is concerned about Hydro. That analysis goes on. Then Hydro goes to the Ontario Energy Board for its analysis. These kinds of things go on all the time.

The only point I should like to make is that while the member wants to put out the perception that Hydro is—what was his word?—gargantuan or whatever, and is under no analysis or scrutiny, with all due respect, it would be unfair and inaccurate to suggest these analyses were not going on all the time, when they are. Proof of that is the fact we did not need the Provincial Auditor to tell us a year ago it was appropriate to cut \$200 million from its borrowing. This government did it.

Mr. Conway: Mr. Speaker, I have a question for the man in whose name Hydro borrows its billions, the Treasurer, the man who would be Premier. I quote from the *Toronto Star* of November 16, 1984: “Treasurer Larry Grossman says he would conduct a review of Ontario Hydro to rein in its \$20-billion debt if he becomes Premier in January, but he conceded that the utility's spending is higher than necessary in some areas such as wages and operating costs.”

Since that is what the minister is telling the people of Ontario this fall in his capacity as Treasurer, why will he not stand in his place today as the minister responsible for much of the activity of Hydro, in so far as he is the man who must in the final analysis give an accounting for its borrowing, and give the people of Ontario a commitment that he will see to it that a review will be conducted, if by no one else, then by the Provincial Auditor, who has publicly complained in recent hours that his most recent review was most unsatisfactory, most truncated and fettered by the Tory majority which allowed nothing but a whitewash?

Hon. Mr. Grossman: Mr. Speaker, I will repeat the answer to this question, which was the same as his first one, namely, that I do not have the authority to order that change. That is very simple. If the member wants to get 50 delegates and \$10,000, he can put the question. I do not have the authority today to order that sort of review.

Secondly, I would remind the member once again—and Mr. Speaker, I will have to beg your indulgence because I have been asked this again—there has been a review of Hydro's operations. We did not conclude just by throwing a dart at a board that we ought to cut its borrowing by \$200 million. We spent a lot of time analysing its figures and operations and we concluded that \$200 million could come out of its borrowing.

The member may be unhappy that the standing committee on public accounts did not authorize the auditor to undertake yet another review of Hydro. Successive Treasurers in this government have always exercised a good look, a good review and good control over Hydro through our ability to limit its borrowing to the amount we authorize. That has occurred.

In all sincerity, I repeat to the member that he may be frustrated that he cannot whip up and control the members of the public accounts committee, but it is unfair for him or anyone else to suggest there is a Tory majority conspiracy directed by this government to prevent that investigation. The Tory members of that committee exercise their own independent judgement, and I respect it. I presume they are as concerned about Hydro, the powers of the Provincial Auditor and the ratepayers in their ridings as the member is.

Mr. Conway: The Treasurer, the man in whose name Ontario Hydro borrows its billions, a corporation about which this Treasurer has publicly in recent days raised concerns in the province—

Mr. Speaker: Question, please.

Mr. Conway: —about the activities of the public utility, will know the issue is a full and comprehensive public audit of this public utility. Why is he now, having raised public concern in the leadership race about the borrowing practices of Ontario Hydro, so singularly unwilling to see to it that a full public audit of this public utility is now undertaken? Surely he does not expect electricity consumers or the people of Ontario to rest content with some internal, private audit done in New York or in the oak-panelled corridors of the Treasury building.

Hon. Mr. Grossman: I have answered that question.

2:30 p.m.

Mr. Philip: Mr. Speaker, does the minister not agree that it was the members on that public accounts committee, who acted in the same way as the members of his government acted in stopping the reinstitution of the select committee on Hydro affairs, that would have got to the bottom of these problems, and that it was his members on the select committee who, by resolution, prevented the auditor from looking into the effect on rates of the breakdowns, the effect on borrowing power of those breakdowns and from having an independent audit of that company?

Is it not the case that it was the members of his party on that committee who prevented that kind of inquiry by the auditor? Why does he, along with the Premier, not order the members on that committee to act in an independent way and vote the way their intelligence would have told them to vote to give the auditor the kind of flexibility he wanted to conduct a fair and impartial investigation?

Hon. Mr. Grossman: First, I will say we do not order our members on this side. We already have a situation on this side where our members on that committee are independent to do whatever they want. In point of fact, as I recall during the course of the past several months, members on that committee from this party have voted different ways at the committee. I believe I am right in saying that. That proves their independence.

If the member wants to talk about conduct on the public accounts committee, let me tell my friend I was a member of the public accounts committee. I saw what a New Democratic Party whipped majority on the public accounts committee did to confidential Ontario health insurance plan records. This party does not need a lecture from that party on conduct on a public accounts committee.

Mr. Conway: I have a final supplementary for our restraining Treasurer, who in recent days has raised public concern about the operating costs of Ontario Hydro.

Was the Treasurer, the man who would be Premier, when he raised a personal concern about the debt and operating costs of the utility, thinking about the long-term, multibillion-dollar uranium contract that was entered into by this government some six or seven years ago with very good friends of the Conservative Party, which now has the Ontario electrical consumer

paying nearly three times world price for home-grown Ontario uranium? That is one of the management successes of Ontario Hydro and its friends in the government.

Mr. Speaker: Question, please.

Mr. Conway: Was that the kind of management practice, the kind of cost escalation and spiral, about which the Treasurer is expressing a reserve and a concern? Is that the kind of thing he wants to investigate at some point in the near future?

Hon. Mr. Grossman: I was expressing concern that this government would want to ensure that it keeps in this province, not only the finest electrical utility in the world with the most reliable plants anywhere in the world, but also one with very competitive hydro rates compared to any other jurisdiction.

It is not the lowest because some jurisdictions have more water power than we do. But on behalf of the people of this province, I would want to ensure that we continue to have the best at very competitive rates. We have succeeded in doing that to date, and this party will be in business to make sure that continues into the future. That is what we are concerned about.

SPADINA EXPRESSWAY

Mr. McClellan: Mr. Speaker, in the absence of the Premier, who, even as we speak, I understand is listening at his squawk box, I have a question for the Minister of Government Services. I do hope the Premier is listening. Are you listening, Premier? I hope he is listening. Earth to Premier, earth to Premier.

Mr. Speaker: Question, please.

Mr. McClellan: I have a question for the Minister of Government Services with respect to the unfulfilled promises made by the Premier in August 1975 to stop the Spadina expressway by transferring a three-foot strip of land to the city of Toronto.

The Minister of Transportation and Communications (Mr. Snow) wrote to me on November 1, 1984 and said in part: "I can advise you that the Minister of Government Services is acting on behalf of the government in acquiring the Spadina lands. I can advise you that, to the best of our knowledge, all lands to be transferred which require surveying have been surveyed.

"The deeds that have been prepared by Metro are currently being reviewed by the Minister of Government Services to enable them to be registered and the orders in council are being prepared to facilitate the leaseback arrange-

ments. I am given to understand that the completion of the transfers will take place before the end of 1984."

Mr. Speaker: Question, please.

Mr. McClellan: My question is really very simple. Will the transfers the ministry has been working on be completed before the end of this week, before we rise for the Christmas break?

Hon. Mr. Ashe: Mr. Speaker, there are really two issues in that question. One has to do with the lands related to the Spadina expressway, that is to say, the lands that were to be given in title to the province through the Ministry of Government Services and, in turn, leased back to the city of Toronto in some instances and to the municipality of Metropolitan Toronto in other instances. That is one issue.

The other is the perception by some—and there is no doubt that it is the view of the city of Toronto—of the so-called three-foot strip. That is a completely separate issue. I do not know that this was included per se as a commitment made by the Premier. More important, it cannot be done. The municipality and the city of Toronto are well aware of this. The city of Toronto cannot own lands in another municipality. In this case, where it wants its so-called three-foot strip is in the city of York, and it cannot be facilitated.

To go back to the original question of the actual valley lands themselves and some residential properties at the top of the valley, I took the order in council to cabinet last week and it was approved. We have title to all of the lands; that has already taken place. The actual leases back to Metropolitan Toronto and the city of Toronto will be registered on title before Christmas.

Mr. McClellan: Mr. Speaker, I do not know what on earth the minister is talking about. The Premier's statement on August 8, 1975, which I have here, stated, "In order to give assurance to the city of Toronto that the Spadina expressway is certifiably and irretrievably dead, the provincial government will grant to the city a three-foot reserve across the route of the former expressway as proposed, such reserve to be held in perpetuity by the city."

In his letter to me of November 1, 1984, the Minister of Transportation and Communications reiterated that agreement. The sense of the letter is that the Minister of Government Services is supposed to be preparing the deeds to transfer the land from Metro to the province. As soon as that is done, which I had hoped would be this week, we would have legislation in the House to deed the newly acquired provincial lands to the city of

Toronto. Is the minister telling us he is planning to welsh on that agreement?

Hon. Mr. Ashe: I am not quite sure that "welshing on an agreement" is acceptable language in here, but we will leave that one to you, Mr. Speaker.

Mr. Breaugh: How about "weaseling"?

Hon. Mr. Ashe: That is better.

I wish the two issues would not get confused. The three-foot strip that was referred to was intended at the time to be a strip of land within the city of Toronto. The city of Toronto did not want the particular land. Where it wanted it was in the city of York, and that is not part of the current transactions that are being registered on title.

All the lands within the valley, along the sides of the valley and up to the top of the valley, which include properties other than just bare land, will be registered on title, and the 99-year leases for a nominal sum of \$1 for the whole 99 years will be in effect before Christmas. But it will not include legislation relating to a three-foot strip in another municipality. We do not need legislation to do what we are doing now.

Mr. Conway: Mr. Speaker, just so we do not confuse the question, can the Minister of Government Services indicate clearly and unequivocally that the premiership of the member for Brampton will end as it began, not just with a promise but with the reality that the Spadina arterial road will not be completed south of Eglinton? Will we have on February 1, 1985, all the necessary protections to give a guaranty to the Premier's promise, quoted by my friend the member for Bellwoods (Mr. McClellan)?

Hon. Mr. Ashe: I do not think anyone can give that commitment to the extent it was asked for by the honourable member opposite. This Legislature may in its wisdom at some time in the future decide that this particular road or some replacement road is necessary; so that cannot be done.

Concerning the commitment made by the Premier relative to the lands that were involved in the construction of the Spadina expressway, those lands will be taken care of by the deeds and the leases I have referred to for the next 99 years. They can be changed only by this Legislature.

2:40 p.m.

Mr. McClellan: I hope the Premier is listening as his Minister of Government Services finally takes the shroud off and we see that the 1975 promises are not going to be honoured.

Mr. Speaker: Question, please.

Mr. McClellan: May I ask the minister—and again I hope the Premier is listening—whether he remembers the final words of that great commitment, that great promise, on August 8, 1975, during the middle of that election campaign, when the Premier promised the three-foot strip and said, “I would hope this would be more than a symbol of our resolution with respect to Spadina, but a legal, permanent barrier, the presence of which would end all future speculation and diminish for all time the aspirations of those who continue to hope for some future reversal of the Spadina decision.”

Mr. Speaker: Question, please.

Mr. McClellan: Is the minister saying that was not true at the time? When did it not become true? When did the Premier decide to break that promise?

Hon. Mr. Ashe: The Premier did not at any time decide to break his promise; he has not and he does not intend to. The difference is in the perception of the locality of the three-foot strip. The three-foot strip legally could have been negotiated by lease and registration on title, but it was not acceptable to the city of Toronto. Toronto wants the three-foot strip dedicated. It cannot be done in the way we are handling all the others, which is by the normal process of transferring real estate, both by deed through the actual transfer of the ownership of the lands and by lease in the case of transferring on a lease basis back to the city of Toronto and Metropolitan Toronto. It cannot be done within another municipality for the city of Toronto.

RENTAL ACCOMMODATION

Mr. McClellan: Perhaps the Premier could send back his Transit Man of the Year award.

Mr. Speaker: I have a question for the Minister of Municipal Affairs and Housing, arising out of the statement last week by the Canadian Home Builders' Association. Has the minister reviewed the statements made by the Canadian Home Builders' Association following the release of the report done for it by Clayton Research?

The Canadian Home Builders' Association indicated that unless there was an end to rent controls and an immediate phasing in of a 25 per cent increase in rents across the board to provide development capital for home building, including rental accommodation, its members basically would not be building any housing in this province. It gave the figures as to need and indicated how far below those target figures its efforts would be.

Now that the Canadian Home Builders' Association has declared it is on strike until such time as rent controls are removed and does not intend to build affordable rental accommodation, what housing supply programs does this government intend to bring forward to fill the void?

Hon. Mr. Bennett: Mr. Speaker, I am not sure which one of the three questions the honourable member would like me to answer.

Mr. McClellan: The last one.

Hon. Mr. Bennett: The member says there is a strike by the development industry, the contractors or the developers in this country and in this province. I remind him that Ontario and the Canadian government brought out the Canada-Ontario rental supply program about a month ago. We went out and said there was an opportunity to build 2,800 units under the auspices of the federal and provincial governments. We would put up about \$38 million.

If they are on strike, it happens that we had 86 people take out forms to submit for the opportunity of building units in this province. When it concluded on December 1, we had 37 applications for something between 7,000 and 8,000 units. I think that speaks for itself. The industry is still interested in building affordable accommodation in this province.

Mr. McClellan: The minister neglected to say that the total number of units to be funded under the Canada-Ontario rental supply program is 2,800.

Mr. Speaker: Question, please.

Mr. McClellan: For example, in Ottawa there are about 1,600 households on the waiting list for subsidized housing. Is it true that 250 units will be built in the Ottawa area under the new CORSP? If a third of those are subsidized, that gives a grand total of 83 subsidized units. How will the minister allocate those 83 units among the 1,600 families currently on the list for subsidized accommodation in the Ottawa area? Why is he building so few units under this wonderful program?

Hon. Mr. Bennett: First of all, if the member reads Hansard, I did mention 2,800 units. The member may not be listening, and that is his problem. I said we had 37 applications here in the city of Toronto alone for between 7,000 and 8,000 units. We have 11 applications in Ottawa. Just last week I also assigned to the city of Ottawa an additional 99 units out of subsection 56(1) of the Canada Mortgage and Housing Corp. to allow the rent supplement program to come into action.

Let me refer to the city of Ottawa since that is the one the member wants to aim at. In the city of Ottawa at this point there are 17,348 units owned or operated by the public housing authority in that community. We know very well—the member has heard me say this in estimates and I will repeat it here in the House—there is about a 10 per cent turnover in the occupancy of our units in that community as there is in the rest of the province. That means in the range of 1,700 to 1,800 units a year become available for people on the waiting list.

In addition to that, through the Canada rental supply program and the nonprofit, municipal, private and co-ops, we have about 850 new units coming on stream in the Ottawa-Carleton area for rent supplement purposes. If the member adds the 1,700 or 1,800 together with the 850, he will find there is a fairly substantial improvement in the opportunities for rent-geared-to-income units in the Ottawa-Carleton area.

I make no apology to the member or to the people of this province. We have done an outstanding job in trying to meet the requirements of that community as we have in this community. I have said before, and I repeat in this House, that I doubt very much either the federal or provincial government will find the solution to all the problems on any given day in rent-geared-to-income housing in Ontario, but we make a tremendous impact on those waiting lists on a day-to-day and year-to-year basis. If one followed the period of time that some of the people have been on the waiting list, one would see that they have been handled in a relatively short period of time.

Mr. O'Neil: Mr. Speaker, since we are talking about building in the province, rental supplies, help to builders and seeing that units are put on the market, let me say that I wrote to the minister a couple of weeks ago about an incident that occurred in the Belleville-Trenton area.

A joint federal-provincial program was announced by CMHC's Kingston office, which said it would give interest-free second mortgages to anyone who made a submission in the Belleville-Trenton area to build such a project for either 52 or 54 units, I believe it was. In that case, there was a call from a developer and builder in the Trenton area asking if there was going to be any money available for this project, and he was told no.

Mr. Speaker: Question, please.

Mr. O'Neil: A couple of days later, CMHC made an announcement that a project would be forthcoming. Why were people only given 16 or

17 days to submit proposals for that federal-provincial program? Is the minister aware of anyone on the sidelines who had already asked for that money?

Hon. Mr. Bennett: Mr. Speaker, if one goes back to the beginning of this year, when the Canada rental supply program was brought into being, a vast number of applications were made by individuals as well as on behalf of nonprofit organizations, private nonprofits, municipal nonprofits and co-ops.

When the Canada-Ontario rental supply program was announced just prior to the federal election and then the calls for the actual proposals came late in the month of November and were called back in after a 16-day period, there were a great number of people in various areas of the province, including Ottawa, Toronto, Windsor, London, Thunder Bay and Kingston, who already had their plans and proposals put in place because they had submitted them previously under one or two of the various programs we had. They were in a position to—

Mr. O'Neil: Why would somebody be told there was not any money?

2:50 p.m.

Hon. Mr. Bennett: Obviously the Canada rental supply program was announced by the honourable member's friends prior to the last federal election. If he will recall, the program was announced prior to the September 4 election, and it was our friends who brought it into being and put it into place. It was announced in a public statement.

Interjections.

Mr. Speaker: Order.

Mr. McClellan: To go back to the original point, the Canadian Home Builders' Association indicated that for the period from 1986 to 1991, Ontario will need 46,000 new rental units per year. It also said that if rent controls continue—and it is obvious rent controls will continue, since all three parties seem to support the continuation of rent controls—Ontario can expect an annual average of 21,000 to 27,000 units to be built.

Does the minister accept the accuracy of those figures from the Canadian Home Builders' Association? If he does, surely it is obvious even to him that there is a tremendous vacuum between what is needed and what is going to get built and that government is going to have to move in to fill the vacuum, including picking up its fair share of housing supply programs.

Hon. Mr. Bennett: I am sure the member will recall that when we went through our estimates

not that many months ago, the ministry brought in a slide presentation so the members could see in a tangible way our predictions on ownership and rental in Ontario. He will recall we gave the members the figures. At that time, we said very clearly there will always be a difference of opinion among the home builders, Canada Mortgage and Housing Corp., perhaps the Conference Board of Canada and one or two others on how many units will be built. We have been fairly accurate over the years and our position was very clear.

I admit there are going to have to be programs that will encourage the private sector to develop further rental accommodation; there is no doubt about that. This is why we have subsection 56(1), why we have had the Canada rental supply program program and why we have the Canada-Ontario rental supply program. Indeed, last Friday the provincial ministers reporting for housing met with the federal minister to review what we might put in place for 1985 to stimulate the rental construction program and to look after those requiring rent supplement units.

RECYCLING

Mr. Kolyn: Mr. Speaker, in this morning's *Globe and Mail*, we read that several independent soft drink bottlers have announced their intention to break provincial law regarding soft drink containers. What action does the Minister of the Environment intend to take in this matter?

Hon. Mr. Brandt: Mr. Speaker, I thank the honourable member for that question but should perhaps inform my colleague that the action suggested by a few of the bottlers is not the position being taken by the majority or by their formal association.

My staff will be reviewing the situation to determine what further action we might take. Because this proposed action—and it is only proposed at this time—would be in violation of the regulations of my ministry, some further action could well be necessitated as a result of what these bottlers are proposing to do.

Mr. Swart: Mr. Speaker, is not the real reason they have decided to break the law that the minister has failed to enforce the regulations and the agreement on a 75:25 split between refillable bottles and disposable containers? Has he not procrastinated for five years after giving a promise that he would have a new policy in place? There has been no new policy put in place, and for this reason the bottlers have decided to take the law into their own hands.

Mr. Speaker: Question, please.

Mr. Swart: What is the minister going to do now? Is he going to prosecute them, is he going to enforce his regulations or is he going to adopt a real policy and tell the people of Ontario what he is going to do environmentally about the bottles?

Hon. Mr. Brandt: Mr. Speaker, when the honourable member is present, this place sometimes feels so vacant. We do not have a policy or a regulation that indicates a 75:25 split. That was a gentlemen's agreement within the industry to which my predecessor attempted to get the industry to adhere in an attempt to resolve this question without government interference. In fact, my ministry does have a proposal that is before cabinet and is being reviewed at the present time. That proposal takes into account the various problems of all segments of the industry.

The honourable member was here last week when the Leader of the Opposition (Mr. Peterson), who happened to be passing through the great municipality of Hamilton, indicated for the first time in this House some concern about the steel industry. That is one segment of the industry; the plastics industry is another and the independent bottlers still another.

I can assure the member that we have been meeting regularly with all segments of the industry in an honest attempt to resolve this issue for the betterment of the total industry. I admit it is not an easy question, and I am trying to answer it.

Mr. Conway: Mr. Speaker, the Minister of the Environment has made the point that it has been very difficult to come to a final determination on this very important question. He will recall that it was last Christmas when he expected to make some kind of announcement. Now that 12 months have passed and the bottlers are feeling very much under the gun, because of what is happening in the marketplace, as a result of there being no definite statement of government policy—

Mr. Speaker: Question.

Mr. Conway: —can the Minister of the Environment indicate to the independent bottlers and to the rest of us specifically when he intends to make public the new policy on these matters relating to the soft drink industry?

Hon. Mr. Brandt: Mr. Speaker, I can indicate only that in the fullness of time we will take into account all the various dimensions of the problem. To be more specific, the issue is before cabinet at the moment. I need not tell the

honourable member that I am not in a position to resolve it myself; I will be relying on my cabinet colleagues for a final determination of this issue. We are as anxious to solve the problem as are those members on the other side who have been interested in the problem. It is a complicated problem, and in the meantime we are trying to keep the industry as viable as we can.

RIDGE LANDFILL SITE

Mr. McGuigan: Mr. Speaker, my question is to the Minister of the Environment. It is regarding the Ridge landfill, which is in Harwich township in Kent county. The Ridge Landfill Corp. has recently raised its tipping fees by 80 per cent to the city of Chatham and by 120 per cent to the town of Tilbury. These hefty increases are causing financial difficulties for the communities using the dump. The company has a monopoly on this activity. Does the minister not think we should have a system whereby the company would have to justify these increases under its monopolistic mandate?

Hon. Mr. Brandt: Mr. Speaker, there is no monopoly in the honourable member's area or in any part of Ontario with respect to dumping and landfill sites. I did speak to the town council of Tilbury on Sunday about this very matter and I indicated that in the first instance it should look at alternative sites even if there were additional transportation charges; it might be able to relieve some of the financial pressure by moving its solid waste elsewhere.

If that is not possible, then certainly another alternative, which many a municipality has undertaken, is to find its own landfill site and go through the environmental assessment process to get that site approved. It then owns the facility itself and can dump at whatever rate it wishes. It is a facility that is managed, owned and operated by the municipality. Certainly a number of options are available.

Mr. McGuigan: Surely the minister knows that in economic terms, in real terms, this is a monopoly because it would cost millions of dollars to establish a new dump.

Mr. Speaker: Question, please.

3 p.m.

Mr. McGuigan: Much of the \$1.5 million that the company is claiming it has to retrieve is associated with lawsuits and environmental hearings that were caused by materials that were dumped there years ago from all over the province and from the United States. In 1980

alone, 1.5 million gallons of liquid waste were brought in from outside.

Does the minister think those costs should be charged to the local municipalities? Those costs should be charged to the company itself, which, over its North American operations, is a money-making corporation.

Hon. Mr. Brandt: My own personal opinion is one that I am sure is shared by the honourable member. I think those costs should be blended throughout more of the operations than on a specific site that is at the moment addressed with some immediate problems that may have come from outside of the area.

Some new competition in the area might be beneficial in helping to lower the prices being charged for the specific tipping fee for that particular site.

I would suggest the local municipalities should do what is being done in Essex county. As I am sure the member is aware, Essex county has a master study going on in that area with respect to new landfill sites. If some of the areas get together in a co-operative way, they can be effective in bringing the cost of the waste disposal in their communities down to a more reasonable and realistic level. That is what I would suggest he advise his municipality to do.

QUALIFICATIONS FOR ASSISTANCE

Mr. Martel: Mr. Speaker, I asked the Treasurer to stay, but he was so busy he could not. I will ask my question of the Minister of Community and Social Services, who is currently occupied—

Mr. Speaker: Order.

Mr. Martel: Mr. Speaker, I am going to place both my question and my supplementary question because of the time factor.

Mr. Speaker: Place your question quickly, please.

Mr. Martel: I am sorry, I cannot. My question is to the Minister of Community and Social Services and it involves a young man. What do I tell Mr. Ron Arsenault, a 20-year-old who has finished grade 13 and one year at Cambrian College; he lives at home, has applied for make-work jobs with provincial funding and was disqualified from all of these jobs because he must be on welfare; because he is not on welfare and because he is living at home, he cannot qualify for the make-work project the province is funding—

Mr. Speaker: Question.

Mr. Martel: That is a catch-22 position. He cannot get welfare because he is under 21 and he cannot get a funded job because the minister has laid down the criterion which says he must be on welfare. What should I advise this young man? The Canada Employment and Immigration Commission will not hire him.

My supplementary, because I am not going to get it on, is this: is the province more interested in cutting out welfare cases and is that why it has established that criterion which makes him ineligible for work?

Hon. Mr. Drea: Mr. Speaker, the honourable member is incorrect on two points. A person does not have to be on social assistance to qualify for the Ontario career action program. He may have to be a dependant of someone on social assistance to qualify for one of the special programs the Treasurer provided me with the funds to operate. Those are only part-time; they are not full-time.

I would suggest to the member that he can also get social assistance, but not before he is 21.

Mr. Martel: If he leaves home.

Hon. Mr. Drea: He can get social assistance.

I would suggest the most straightforward thing is for the member to tell his young man to go into my regional office this afternoon or tomorrow.

PETITIONS

ROMAN CATHOLIC SECONDARY SCHOOLS

Mr. Gillies: Mr. Speaker, I wish to present a petition that reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to appeal to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debates to include

consideration of the issue by an appropriate committee of the House with an opportunity provided for the people to appear and be heard."

This is signed by a number of people from Sault Ste. Marie and environs.

Mr. Stokes: Mr. Speaker, I have an identical petition signed by 28 teachers from the Nipigon Red Rock District High School in Red Rock.

REPORT

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr. Kolyn from the standing committee on administration of justice presented the following report and moved its adoption:

Your committee begs to report the following bill without amendment:

Bill 82, An Act to amend the Theatres Act.

Motion agreed to.

Bill ordered for committee of the whole House.

MOTION

COMMITTEE SITTING

Hon. Mr. Wells moved that notwithstanding any previous order of the House, the standing committee on social development be authorized to meet on Wednesday morning, December 12.

Motion agreed to.

ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

Hon. Mr. Wells: Mr. Speaker, I would like to table the answers to questions 510, 514, 522, 524 and 538 in Orders and Notices [see Hansard for final day of session].

ORDERS OF THE DAY

HUMAN RIGHTS

Hon. Mr. Wells moved, seconded by Mr. Nixon and Mr. Martel, resolution 13, that on this 36th anniversary of the signing of the International Declaration of Human Rights, to which the Soviet Union is a signatory, this House reaffirms its commitment to human rights in this jurisdiction and across the world and brings to public attention that nine Soviet Jews, Alexander Kholmiansky, Yakov Levin, Zachar Zunshain, Yuli Edelshtein, Yakov Mesh, Moshe Abramov, Mark Niepomniashchy, Yakov Gorodetsky and Alexander Yakir, stand accused of the "crime" of teaching Hebrew, with this basic right of transmitting one's language and culture denied only to Soviet citizens of Jewish origin; and that

this House condemns suppression of Jewish culture and urges the Soviet Union to drop charges and release those unjustly imprisoned and allow them to continue in the pursuit of learning.

Motion agreed to.

House in committee of the whole.

3:10 p.m.

WORKERS' COMPENSATION AMENDMENT ACT (continued)

Resuming consideration of Bill 101, An Act to amend the Workers' Compensation Act.

On section 11:

Hon. Mr. Ramsay: Mr. Chairman, on Thursday, the member for Dovercourt (Mr. Lupusella) moved an amendment to subsection 45(4) of the act as set out in section 11 of the bill. At that time, I agreed this section would be stood down while I had an opportunity to look at it and to confer with senior officials of my ministry and of the board.

Members will recall that as it now stands, this subsection requires the board to direct that a lump sum, instead of a periodic payment, be payable to workers whose impairment of earning capacity is less than 10 per cent, unless the board feels it would be to the worker's advantage to receive continuing payments.

The member for Dovercourt has moved that the worker be given the option of continuing to receive periodic payments, if he or she so desires, by inserting the words "with the agreement of the injured worker" into the subsection in question. I am pleased to inform the member I am in agreement with the principle that workers should have the option of receiving periodic payments instead of a lump sum in this situation. After conferring with counsel, I have determined that more effective legal language can be drafted to achieve this result.

Mr. Chairman: Hon. Mr. Ramsay moves that subsection 45(4) of the act as set out in section 11 of the bill be amended to read as follows:

"Where the impairment of the earning capacity of the worker does not exceed 10 per cent of the worker's earning capacity and the worker does not elect to receive compensation by a weekly or other periodic payment, the board shall, unless the board decides it would not be to the advantage of the worker to do so, direct that such lump sum as may be considered to be the equivalent of the periodic payment shall be paid to the worker."

In the light of this proposal, does the member for Dovercourt want to withdraw his amendment?

Mr. Lupusella: Mr. Chairman, I would like to have a look at it first. With the consent of the minister, I would like a copy of the amendment. I will comment after reviewing the content of it.

Mr. Laughren: Mr. Chairman, I would like to commend the minister for bringing in the amendment, assuming it says what I think it says. I have not had a chance to read it. My colleague the member for Dovercourt is doing that now.

The minister has taken a bit of the wind out of my sails. I was prepared for a speech of an hour and a half this afternoon on this section; now I cannot give it. That means we will have to proceed with the rest of the bill and expedite the sections as we move along. I want the minister to know that if he continues to bring in amendments we have proposed, this bill will be through faster than he would ever have imagined.

Mr. Lupusella: Mr. Chairman, the principle of the minister's amendment incorporates our concern, but I have a few questions to raise about the Workers' Compensation Board, which might decide not to give that option to the injured worker. I would like to ask him what criteria the board will use in judging that it is not in the best interest of the injured worker to receive the lump sum.

I understand the bona fide intention of the minister and I am sure that as a result of the open principle incorporated in that section, the board will eventually write other policies just to explain where it is not to the advantage of the injured worker to receive the lump sum. I am really concerned with finding out about the framework in which the board will operate just to describe the limits on when it will not be to the advantage of the injured worker to receive that money.

Hon. Mr. Ramsay: Mr. Chairman, my personal intent was to accommodate the member's amendment because I happen to agree with it. I am really not in a position to justify the actual wording, because it was put together by two very distinguished legal minds.

Mr. Laughren: Oh, that is where we got into trouble.

Hon. Mr. Ramsay: I think if the member knew the identity of the two legal minds, he would agree that they are very distinguished.

Because I have a great deal of respect for the two gentlemen who combined to come up with this wording I am accepting it, but I am afraid I

am out to lunch if the member wants me to try to explain it.

Mr. Chairman: Would the member for Dovercourt like to proceed with withdrawing his amendment, having heard the minister?

Mr. Lupusella: I will accept the minister's amendment with reservations because I really would like to have some guidelines.

Hon. Mr. Ramsay: The two gentlemen are here, and if the member for Dovercourt would care to go over and talk this matter over with them, I am sure his questions would be appropriately responded to.

Mr. Lupusella: We can stand this down again until I have had a chat with the gentlemen over there and we can proceed with subsection 45(5). I think my colleague the member for Nickel Belt (Mr. Laughren) had the floor.

In the meantime, I really appreciate the positive step undertaken by the minister. On several occasions I have emphasized the fact that he is quite sensitive most of the time, or that on particular occasions he is flexible and sensitive to issues we are bringing to his attention. I really appreciate the fact that he recognizes the principle that the injured worker should have an option when the board is to decide on the lump sum at times when the percentage of disability is below 10 per cent.

Mr. Chairman: Did I hear the member say he would withdraw that one?

Mr. Lupusella: Dealing with subsection 45(4), I expressed a concern that I would like to stand down the minister's amendment until I have an opportunity to speak to the gentlemen working for the minister.

In the meantime the member for Nickel Belt had the floor on subsection 45(5) and maybe he can carry on the debate.

Mr. Laughren: Mr. Chairman, I hope history will record the contribution made by my colleague the member for Dovercourt to the cause of injured workers in this province.

We were on subsection 45(5) on Thursday night, and it is another example of where the minister could expedite things. I was mistaken earlier; the hour and a half speech I prepared was not on subsection 45(4), it was on subsection 45(5). If the minister wants to make a comment on subsection 45(5), I would be very happy to take my seat and hear it at this time.

3:20 p.m.

Hon. Mr. Ramsay: Mr. Chairman, in the interests of perhaps clarifying my position, I do not think the honourable member is going to

agree with what I am going to say and he might still want to make that 90-minute address after I have finished; but at least he will know where I stand and why I stand in this position. He was asking me to do that on Thursday, and to that extent I am obliging him now instead of, as he appropriately put it the other day, stonewalling him. I would never want to do that.

Mr. Laughren: I said it was a filibuster of silence.

Hon. Mr. Ramsay: Whatever.

The member for Dovercourt has suggested that we amend subsection 45(5) of the act as set out in section 11 of the bill to remove the discretionary power of the Workers' Compensation Board to award supplements and to make them compulsory wherever it can be argued that the impairment of earning capacity is significantly greater than usual. This amendment was also introduced at the committee stage and was thoroughly discussed. The committee finally rejected the amendment after much debate.

I would like to remind the member that the substance of the proposed subsection 45(5) is nothing more or less than what is contained in the current subsection 43(5) of the existing act; in other words, the section under discussion simply re-enacts the existing provision. To do more, to remove the discretionary power of the board in this respect, would in effect institute a wage-loss system for permanently disabled workers. I have no intention at this time of introducing through the back door an approach we would not welcome through the front.

This is not to say the wage-loss concept has been rejected by the government. Rather, as I have said before on many occasions, we have deferred the resolution of that complex issue to phase 2 of the workers' compensation reform process. It is at that point we will weigh the costs and benefits of wage-loss and other approaches to permanent disability compensation and arrive, I am sure, at an appropriate solution. For the purpose of this bill, however, we are continuing the present system of supplements as modified by significant improvements vis-à-vis older workers and those in receipt of Canada pension plan benefits.

Mr. Laughren: Mr. Chairman, that has to be the most outrageous argument I have ever heard put by the minister. Is he really telling us he is not going to make it a requirement that the board make up the difference when the impairment of earnings is greater than the physical impairment, because it might encroach on phase 2 of his

perpetual study of workers' compensation in the province?

I really find that he is making an outrageous argument. The minister has an opportunity to justify what clauses 45(5)(a) and 45(5)(b) say; that is all we are asking. We have not put an outrageous request to the minister at all. For the minister to make that argument is a bad debating tactic, dragging in something that might happen in the future as an excuse for not putting it in now.

At least the minister should stand in his place and say he is not going to put it in now because—

Mr. Mancini: Because he does not want to.

Mr. Laughren: He does not want to put it in now because he knows he is being watched very carefully. Every amendment that is made is being scrutinized carefully by the workers and the Employers' Council on Workers' Compensation. The minister is hesitant to make any changes that do not have the prior approval of his caucus or the employers' council. That is what it really comes down to. The minister is simply engaging in a debate without substance when he uses those excuses to avoid making a change.

One moment the minister stands in his place and agrees to an amendment that makes a minor improvement, and the next minute he stands in his place and refuses to accept an amendment that would make a minor improvement as well. I do not know how the minister justifies his change in attitude between subsection 45(4) and subsection 45(5).

To put it as precisely as I can, the minister is saying that if a worker gets injured and suffers a small percentage of disability as determined by the meat chart, but the worker cannot go to work because of the nature of the job that person must do, then it is at the discretion of the board to say physical level of impairment is going to be the level of impairment vis-à-vis earnings as well.

I do not know how he justifies that. If a worker is off the job because he or she is injured, surely it is the replacement of the lost income that is important, not the physical percentage, not the meat chart. I do not know how often we will have to argue this in this chamber. How can the minister defend a system that says, "A worker can be 20 per cent physically disabled but 100 per cent disabled in terms of earning capacity and we will only pay him 20 per cent of his earnings loss"? What kind of silly system is that? It is an outrageous system.

I guess we will be arguing a long time in this chamber. Injured workers will understand as we go along that the minister is not really interested

in bettering their lot when he allows a section such as this to remain. He has the opportunity to change it so that the Workers' Compensation Board does not have the discretion to say, "You are 20 per cent disabled physically; therefore, we will supplement your earnings only to the tune of 20 per cent." That is simply not fair.

For the minister to engage in this punitive action makes no sense whatever. We will be debating these problems with the minister until the cows come home. As long as he does not change it, there is going to be a problem.

I feel so strongly about this section because in my constituency there are a great many miners and people who work in the bush. For those people, a 20 per cent physical disability according to the meat chart is a 100 per cent disability in terms of their earning capacity. That is why I feel so strongly about this section. The board should not have this discretionary power. That 20 per cent physical disability means a 100 per cent impairment of earnings.

I would not be doing my job if I accepted the minister's position. It is his system in Ontario; it is the employers' system of compensation. Why should injured workers have to suffer in that way? It is completely beyond my comprehension how the minister can stand in his place and say: "It is fine by us. If a worker has a 20 per cent disability and a 100 per cent earning impairment, we will pay him the 20 per cent." That is what he is allowing the board to do. I would like to know how the minister sees that as fair.

In this section, we are not asking the minister to enrich or to index the benefits. We are only asking him to be fair and to replace 90 per cent of the income of an injured worker when that worker cannot work because of an injury on the job. That is all we are asking.

It is already the principle of the bill. The principle of the Workers' Compensation Act is to replace earnings because of an injury on the job. Yet here the minister says, "Yes, but it is at the discretion of the board." How does he fit those two things together? I think it can be argued that this section is not in order because it contravenes the principle of the bill, which is to replace income lost as a result of an injury on the job. Perhaps the Chairman might want to look at this section, if I could get his attention. He might want to look at this section.

One of the main principles of the bill is to replace income lost because of injury on the job. Then in this section the board has the discretion not to do that—in other words, to pay only 20 per cent, even though the impairment of earnings is

100 per cent. It is at the discretion of the board. How does that square with the principle in the bill of replacement of earnings because of an injury on the job? I think it contravenes the whole principle of this bill and of workers' compensation in Ontario.

I do not believe I would be allowed to move an amendment that did that sort of thing; the Chairman would rule me out of order. Yet the minister is allowed to sit there complacently and leave in the bill a section that says the board has the discretion to rule that a worker can have a 20 per cent physical disability and a 100 per cent earning disability, but it will pay him only 20 per cent.

3:30 p.m.

I do not know how the minister gets off with that discretionary power. I can see why he would like to have it and I can see why the employers' council wants to keep it that way, but I do not see how the Minister of Labour can sit there contentedly and allow that section to remain. I really do not understand that. Perhaps the minister can give us an explanation. He certainly has not to this point. Nothing would please me more than to stop talking on this section and allow the minister to give me a further explanation, and perhaps he will.

Hon. Mr. Ramsay: Mr. Chairman, I was just sitting here thinking, and I am not trying to be flippant, that if I had to appear before any tribunal whatever, I would like to have the member for Nickel Belt represent me because he makes very compelling arguments. He is a skilled orator and I am often tempted to fall into the trap he is trying to set for me because, as I say, he is quite skilled and persuasive.

However, I have indicated my position. I want to make the point that I have tried throughout, to honour the requests of the opposing members, both from the official opposition and the third party. I believe I have demonstrated that by coming in with some positive amendments since the committee stage, including attention to the problem of the existing surviving spouses, as well as the amendment I moved today. There are other examples as well.

I have not just simply accepted what we had when we came out of committee. I made a commitment to study these things, to look at them objectively. Incidentally, I did that without consultation with the employers' council. I have looked at them objectively. In some cases, we have moved in a positive way, but there are other positions I feel I have to take, and this is one. I have explained the reasons for it and I do not

intend to get back on my feet again in respect to it.

Mr. Laughren: There we have it again, another filibuster of silence.

My colleague the member for Dovercourt, who I am sure has handled more compensation appeals than anybody else on the face of the earth, except the adjudicators themselves, makes the point that one never wins an appeal under this section. If we try to take this section to appeal, do members know what is waved in our faces? The discretionary powers of the board are waved in our faces when we go to an appeal.

The minister wants to keep discretionary powers because he thinks the board will probably rule in favour of the worker one time and against the worker another time. That is what is implied in the minister's response, but that is not what happens. He should take one of these to an appeal and see what happens.

I have tried it with workers who work in the bush. Very often if the worker has a bad back, he cannot go back in the bush and operate a chainsaw with a 20 per cent disability or even a 10 or 15 per cent disability. The board says, "We are sorry. We have discharged our responsibilities. According to the doctor or our assessment, the worker has a 15 per cent disability and we are paying him up to his level of disability."

What does that worker do? Very often if that worker works in the bush, he lives in a fairly remote community. Where does he go? What does he do? Many times the workers in my area are unilingually French-speaking. The minister says, "Get another job." He knows it is not that simple, particularly for someone who is unilingual. Those are the kind of people the minister is abandoning as long as he leaves this section in place. I do not think that is fair.

I am increasingly frustrated with the attitude of the minister. The other sections of the act do not mean anything. If the minister really wanted to be honest, at some point in this bill he would say the board has discretion to pay benefits as it sees fit. He might even put in there, "if it considers it in the best interest of the worker," in the true historical, paternalistic sense in which the board is for ever regarding injured workers.

Is it any wonder there is the kind of unrest about workers' compensation? As long as workers' compensation is employer run and funded totally, with all decisions made by the collective employers of the province, how are workers ever going to believe they are getting a fair shake?

The minister says, "We now have a more independent board." That is true. That is why we support those particular changes, but internally the board is still being paid for by the employers. That is fine. I am not arguing against that, but one has to understand that when the employers are calling the shots, because they fund the board, when there is a discretionary section such as this, one can guess which way the decision is going to go. If members do not believe me, let them take it to an appeal. If anybody wants to attend an appeal with me on one of these sections, I would be most happy to have him do so.

I do not want to prolong the debate, but I do want to say that opposing these kinds of decisions, that are not designed to cost the board a lot of money but simply to bring some fairness to this section, make debating this bill not a very happy experience.

Mr. Mancini: Mr. Chairman, unlike the member for Nickel Belt, I am not surprised the minister has decided not to accept the amendment. We have seen the Workers' Compensation Board and the principle by which the board operates evolve over a good number of years. This section has been one of the keys to the decision-making process at the board. The board believes—and I have talked to many senior officials at the board, both during discussion of the annual report of the board and during the estimates of the Ministry of Labour—it is there to pay only for the injury that has been caused. It does not believe the worker is in any way entitled to have indefinite benefits for loss of wages because of a particular injury.

The officials bring up the fact that they offer retraining. Yes, they do, but that program has not been working well. They bring up the fact that it is incumbent upon the worker either to return to the old employment or to seek new employment. Yes, that is true. In situations where people cannot return to the old employer, they should look for new employment, but the job market is tight. Everyone knows that.

The situation for injured workers is difficult because new employers hedge somewhat before they hire an injured worker, unless special arrangements have been made by the board and unless they are assured they will not have to pay any premiums if the old injury recurs or if there is an accident involving the old injury. I, for one, am not surprised the amendment has not been accepted. That is one of the principles under which the board operates.

All we can do here today is put our case on the record and ask whether it is justifiable that a

worker be penalized not only by the pain and suffering that goes along with an injury and by the possible loss of the original job and all that entails, but also by suffering the financial consequences between what may happen at a new job and what was the case at the old job.

As a matter of fact, the member for Nickel Belt mentioned he that had brought several cases to the board concerning this particular section and that he had not done very well. I can say to him there probably has not been any member in the House who has done very well when bringing these kinds of appeals to the board.

3:40 p.m.

I want to close by saying I realize this is our last week for debate on all the important matters we have to pass, and we want to make sure this bill is passed by the end of the week. I am not trying to hold up things, but when we take away from people the right of being able to sue because of negligence, etc., which in many areas of North America, especially in the United States, is a very lucrative right, I do feel we have to be very careful that the impediments we put in front of injured workers, who want not to make more than they were earning but to make as much as they were earning, are not such that we not only take away the right to sue but also guarantee them permanently a substandard rate of pay compared to their rate of pay before the injury.

We can bring in the situation of people who work in the bush with chain-saws. We can mention that some people are not bilingual. Some people might not speak English, and that would be a handicap. In some cases having the ability to speak French would be an asset. It has been pointed out that this is a problem in the remote areas of the province, where there is not a lot of secondary manufacturing or assembling going on.

This is a problem everywhere. This problem of being clinically rated for a certain payment, and then finding oneself unable physically or mentally to reach the earnings one made before, is not restricted to the north or to problems of language; this problem is prevalent all across Ontario.

I fully understand why the minister is not prepared to accept such an amendment, but it behooves us to stress that we would be foolish indeed to believe that these clinical ratings are accurate as they affect people's earning power. The clinical ratings have absolutely nothing to do with the earning power of an injured worker.

Only last Saturday morning, when I had office hours in my constituency, an injured worker

came in whose shoulder has been virtually destroyed because of an accident. I believe he has had two operations on the shoulder. That man would be hard pressed to do any kind of physical labour whatsoever.

One of the options available to this person is job retraining, and the board will make up the difference. The board will give a supplement as long as one is co-operating and as long as one is on the way to being retrained. But the reality is that it is very difficult to be retrained, especially if there is an educational problem or if one did not have a certain level of education beforehand and it is very difficult to pinpoint a new skill that could be useful.

In this area I have a real criticism of the board. The people in the local offices of the board in Windsor, London, Sault Ste. Marie or wherever, should know the exact needs of the community. They should be in touch with the people who are in the business of hiring and they should know what the demand for skills is and what skills are most needed.

I find it very frustrating to see some people retrained knowing full well that when they finish, there will be no jobs for them. The board is letting us and the injured worker down when it has him finish a retraining project and then, once the retraining project or the program is completed, says: "Fine, you have been retrained. Go out into the marketplace, find a job and there will be no more supplementary benefits for you because we have done our job; we have carried out our responsibility."

It seems to me that in some cases, the board is more interested in getting a person into any kind of retraining—it does not matter what it is—to have the person there for a time, have him graduate if he can from whatever course he is involved with and then the board's job is finished. The clinical rating has been made, the responsibility of retraining has been carried out and then it is so long and goodbye. The worker is then out on his or her own again.

I understand very well why the minister is not accepting the amendment, but I do say there is room for improvement and maybe in phase 2 there can be evidence collected, as the minister has suggested. All that has to be done to make a case is to compile the evidence. We do not need to search for it; it is there for us. Once it is compiled, then possibly the minister can see himself bringing in such an amendment.

Mr. Laughren: Mr. Chairman, on a point of order: In view of the importance of this debate, I think there need to be more members of the

government party in here in order that we can have a quorum.

Mr. Chairman ordered the bells to be rung.

3:50 p.m.

Mr. Chairman: A quorum being present, we are dealing with the amendment to subsection 45(5) of the act as set out in section 11 of the bill. I sense the debate is drawing to a close. Are we ready for the question?

Mr. Lupusella: Mr. Chairman, on subsection 45(5), I was trying to tell the minister that there are many punitive steps incorporated in this subsection. I know he is not willing to change his mind. However, the members and the minister should be aware there is an extra dimension to the discretionary power given to the board under subsection 45(5).

The first was spelled out by my colleague the member for Nickel Belt. In the scenario where the impairment of the earning capacity of the worker is significantly greater, there is discretionary power that the board may supplement. Even though a clear-cut case is spelled out as to the principle for the board, we give the discretionary power to the board to decide.

The other one is worse. As to "the amount awarded for permanent partial disability for such period" for which the injured worker qualifies, the board may fix the amount and the number of months. Even though the board may realize the person is eligible for a pension supplement, there is another discretionary power by which the board will decide how long the injured worker will receive the pension supplement.

I understand the minister's intention. However, as far as I am concerned, there is no good legal phraseology incorporated in the principle of this bill. The reason there is no good legal phraseology is that the punitive steps are so clear and evident that I do not have to convince all injured workers or the legal minds that this kind of phraseology should not be written in this type of legislation.

With the extra dimension of the discretionary power as to how long the injured worker is eligible to receive the pension supplement, which is at the discretion of the board, I would like to remind the minister, now that he is going to move another amendment on the issue of the Canada pension plan and keeping in mind whether the person is really co-operating and is available for medical or vocational rehabilitation, that eventually the board will decide whether he is eligible for one, two, three or six months. It is up to the board to decide.

This section betrays the whole content of Professor Weiler's report. I give some credit to certain parts of his report. Professor Weiler was trying to deal with compensation in cases of permanent disabilities without penalizing the injured worker when he could not go back to do the same type of job he used to perform at the time of the injury.

If the pension supplement is a new concept incorporated in Bill 101, that the injured worker should not suffer the consequences of an injury and the pension supplement eventually has to replace the earning capacity to which the injured worker is entitled because of the permanent disability involved, I do not think subsection 5 will alleviate the situation. It will penalize the injured worker at the discretion of the board.

The minister is not here, but I understand he is not flexible on this point. Maybe the parliamentary assistant who used to sit on the committee will intervene in this. The case is clearly spelled out. We have been trying to elaborate the situation through the forceful approach of the member for Nickel Belt.

This terrible legislation contravenes the principle, which was clearly enunciated by Professor Weiler, that workers should not be penalized as a result of an accident by giving all the power to the board. First, the board has to decide whether the worker is eligible. Although it is clearly spelled out in subsection 5 when a worker should be eligible, the board might say that in its opinion a worker is not eligible. Second, the length of time the injured worker should receive the pension supplement is at the discretion of the board.

It is a terrible law, which is why we have been spending so much time trying to convince the minister that our proposal makes sense and that injured workers should not pay the price for that.

Mr. Chairman: The question is an amendment to subsection (45)(5). All those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Hon. Mr. Ramsay: Mr. Chairman, I suggest we go back to subsection 45(4). I believe that could be dealt with.

Mr. Lupusella: On subsection 45(4), I will withdraw my amendment and the minister can move his amendment.

Mr. Chairman: Hon. Mr. Ramsay has moved an amendment to subsection 45(5). Does the motion carry?

Motion agreed to.

Mr. Lupusella: Mr. Chairman, I have an amendment to subsection 45(6).

Mr. Chairman: I believe the minister has an amendment to subsection 45(6). Perhaps that should come first.

Hon. Mr. Ramsay: My amendment is to subsection 45(9).

Mr. Chairman: I have amendments here to subsections 45(6) and (8).

4 p.m.

Hon. Mr. Ramsay: I will check. I have been advised that to introduce my amendment to subsection 9, I will need agreement from the House leaders of the other two parties, but that is for subsection 45(9).

Mr. Chairman: Mr. Lupusella moves that subsection 45(6) be amended by deleting the words "90 per cent of" in the sixth line and the rest of the subsection after the word "difference."

Mr. Lupusella: Mr. Chairman, I think my colleague the member for Nickel Belt would say this is a housekeeping amendment. We have made our case in previous statements; therefore, we have nothing to add.

Mr. Chairman: All those in favour of Mr. Lupusella's amendment to subsection 45(6) will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Mr. Chairman: I remind members that we need five members standing in order to stack.

Vote stacked.

Mr. Lupusella: Mr. Chairman, on subsection 45(7), even though I do not have an amendment to move, I would like to bring to the attention of the minister that another discretionary power is given to the board. It reads, "the board may supplement the amount awarded for permanent partial disability with an amount not exceeding the old age security benefits that would be payable under section 3 of the Old Age Security Act (Canada)."

We argued at committee stage that this is terrible legislation, and I have problems in dealing with it. Either we give the benefit or we give the board the power to decide. I understand why this discretionary power is being given to the board, but if we are dealing with old workers and if this type of supplementary pension must be given under section 3 of the Old Age Security Act, why are we playing legal games even in this section? Either an injured older worker who is

close to retirement age will get that supplement or the board has to decide.

As far as I am concerned, even though we are talking about a new law, a new way of revamping or shaping the Workers' Compensation Act, a double standard has been enacted in the principle of Bill 101. On one hand it gives the impression that the injured worker will get the benefit; on the other hand the board has to decide, and I do not think this type of approach can be tolerated, even by the legal minds who have drafted this subsection. I do not blame them; I blame the minister and the government for the intentions that are behind the permissive verb "may" and the discretionary power given to the board.

Mr. Laughren: Mr. Chairman, do you not think there should be more than five government members in here for a debate like this?

The Deputy Chairman: I do not see how that applies to Bill 101.

Mr. Laughren: All right, I will translate it for you. Would you see if there are enough for a quorum? I was not going to do that.

The Deputy Chairman ordered the bells to be rung.

4:08 p.m.

The Deputy Chairman: We are dealing with subsection 45(7) of the act as set out in section 11 of the bill.

Mr. Laughren: Mr. Chairman, we are offended by this section because if an older worker is entitled to these benefits, the older worker is entitled to the benefits. It is not "may or may not be entitled"—he is either entitled to or not entitled to them. I do not understand the minister's thinking in bringing in this section. Either an older worker is entitled or he is not entitled. In what kind of world is the minister living in which he can say—

Hon. Mr. Ramsay: I cannot hear what the honourable member is saying.

Mr. Laughren: That is not my fault. Mr. Chairman, the minister is complaining he cannot hear me. I never thought I would see the day, but that is what he is doing, Mr. Chairman, so perhaps you could bring some order to the chamber?

The Deputy Chairman: Order, please. The member for Nickel Belt cannot hear himself.

Mr. Laughren: What is bothering me, Mr. Chairman, is—I wish I could think of a good analogy. I cannot when I am on my feet. Perhaps when I sit down, I will.

The minister says in this section that an older worker who would have great difficulty being retrained, and whose income from partial disability is not sufficient to live on, should receive a special supplement that will not exceed the benefit he would receive if he were an old age pensioner.

That is reasonable. That is a good section except for the discretionary aspect to it. This was missing in the other bill. I think it is an important section. But the minister could make it a good section as well as an important one if he would take away the discretionary powers of the board. Why give them those discretionary powers? Either the older worker should have that supplement—and we think he or she should—or the older worker should not have it. The minister should make up his mind. He sits there and thinks he can have the best of all worlds. The board will decide whether an older worker should get the supplement or not.

I happen to agree with the minister that there should not be an age in this section. It should not say age 55 or 54 or 56. I agree with the minister's decision in that regard. What I do not understand is, since he has gone this far and said there should be a supplement for older workers in this predicament, why does he not say, "There must be a supplement for workers in this predicament"? Why not? What sort of hedging is he doing with this section?

Surely to goodness an older worker is entitled; if the older worker was not entitled to it, the minister would not put it in the section. I have never seen him make this act richer than it should be for injured workers. He says there should be a section for older workers and then he puts in that very nasty section that says, "Of course, at the discretion of the board." What sort of nonsense is that?

Mr. Wildman: He's a Grinch.

Mr. Laughren: Yes. The Grinch of the injured workers.

Why does the minister insist on taking away when he gives something? Why can he not simply say that older workers in this predicament are entitled to a supplement and put it in the bill, which he has done? Why does he then take the next step and take a little bit away? That is mean spirited. If older workers are entitled, they are entitled, plain and simple, without getting into this silly game of saying, "Of course, it is all at the discretion of the board."

The minister must encounter older injured workers in his own constituency because of the layoffs that have occurred in his community and

the high unemployment rate there. The other day somebody implied the minister never talked to injured workers. The minister got quite incensed and said he certainly does. I believe he does. In a community like Sault Ste. Marie, he must spend a lot of time on workers' compensation problems. I have no hesitation in believing that. But if that is true, would it not follow he would recognize this problem and the contradiction in this section? I think he should recognize the contradiction.

If older workers are entitled to this supplement, then put it in the section. Do not hedge it by saying, "Of course, it is at the discretion of the board."

Mr. Lupusella: I have an amendment to subsection 45(8) unless the minister, as a result of his own amendment on subsection 45(9), is going to delete subsection 8. No?

The Deputy Chairman: Mr. Lupusella moves that subsection 45(8) be amended by deleting the figure "90" in the fourth line and replacing it with "100" and by deleting all the words following "pre-accident earnings rate" in the seventh line.

Mr. Lupusella: Mr. Chairman, I have to make a short comment. Let us pretend for a minute that the member for Nickel Belt, who will be the next Minister of Labour, is dealing with this legislation. He would state that this is a housekeeping amendment and that we have nothing else to add.

The Deputy Chairman: All those in favour of Mr. Lupusella's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Hon. Mr. Ramsay: Mr. Chairman, under the amendment to subsection 45(9) that I am moving today, the present subsection 45(9), which provides that receipt of Canada pension plan payments will not be a bar to receiving a supplement, is combined with a new statement which provides that only those CPP payments relating to a compensable injury will be deducted from a worker's gross pre-injury earnings.

The Deputy Chairman: May I suggest that the minister move the amendment and then we will speak to it.

Hon. Mr. Ramsay: I am sorry. I thought it might be easier the other way around, but I will follow your instructions, as I always attempt to do.

The Deputy Chairman: You are very noble.

Hon. Mr. Ramsay moves that subsection 45(9) of the act as set out in section 11 of the bill be struck out and the following substituted therefor:

"(9) Notwithstanding subsection 40(3) or subsections 6 or 8 of this section, the fact that a worker is receiving payments under the Canada pension plan shall not be a bar to receiving payments under clause 40(2)(b) or subsection 5 or 7 of this section, and the board, in having regard to payments received by a worker under the Canada pension plan, shall have regard only to those payments received by the worker with respect to a disability arising from the injury."

Hon. Mr. Ramsay: Under the amendment to subsection 45(9) that I have moved today, the present subsection 45(9), which provides that receipt of CPP payments will not be a bar to receiving a supplement, is combined with a new statement which provides that only those CPP payments relating to a compensable injury will be deducted from a worker's gross pre-injury earnings. CPP payments received for a noncompensable condition will not be so deducted.

Mr. Mancini: Mr. Chairman, I have to speak against the amendment.

Mr. Laughren: Why? Your colleague has spoken for it.

4:20 p.m.

Mr. Mancini: There are reasons. We established some time ago that we were unhappy with the way the minister was handling the matter of Canada pension plan integration. We established that we did not feel it was within his jurisdiction or proper for him to be fooling around with a system operated by another level of government and paid into by the workers themselves.

Therefore, to be consistent, I cannot accept any amendment from the minister concerning CPP unless he is willing to inform the House now that there will no integration of the plan and that no workers will lose money because of the integration of the plan.

Mr. Laughren: Mr. Chairman, I understand what the member for Essex South (Mr. Mancini) is saying, but I think he might recall a little more clearly what went on in the committee, where I believe his colleagues supported this idea.

I have some sympathy with what the member for Essex South is saying because we are also opposed to the integration of CPP and WCB benefits for, among other reasons, precisely the reasons he has given. I do believe the amendment moved by the minister is more progressive than regressive, in view of the fact that he is saying

that if the worker has qualified for and is receiving CPP benefits—by the way, I hope the minister will correct me if I am wrong in my interpretation—

Mr. Breaugh: Is the member on the right section?

Mr. Laughren: Yes, I think so.

Mr. Breaugh: I am just checking.

Mr. Laughren: The Minister of Labour is easier to deal with than the member for Oshawa.

If a worker is receiving CPP benefits, the only time those benefits will be considered in arriving at the money to be paid by the WCB will be if there is no relationship between disability benefits paid by Canada pension and the compensable injury.

Mr. Mancini: Why should there be?

Mr. Laughren: I am trying to make sure I have got this correct because it could cause a problem in my own ranks if we support something here we should not. What the minister is saying—I wish I had a copy of this in front of me—is that a worker—I am not sure whether he is referring to older workers in this section or all workers. Perhaps the minister could clarify that.

“Notwithstanding section 40(3) or subsection (6)—and subsection 6 does not deal with older workers—“the fact that a worker is receiving payments under the Canada pension plan shall not be a bar to receiving payments.” We know they are eligible to receive payments, but what we are discussing here is the amount of money they receive from the WCB.

I have a copy of the amendment now. “The board, having regard to payments received by a worker under the Canada pension plan, shall have regard only to those payments received by the worker with respect to a disability arising from the injury.” I see. It is becoming clearer by the minute. If the worker is getting CPP benefits as a result of a compensable injury, then the board will consider those as earnings when computing any payments from the board to the worker.

Mr. Mancini: His payments will be less.

Mr. Laughren: I believe that is correct.

On the other hand, if the worker has a compensable injury and a heart condition, then the board will not consider the Canada pension benefits awarded because of the heart condition, if the worker is also getting benefits from the board because of a compensable injury. I believe that is correct. I see those incredibly finely honed minds under the gallery are nodding, so I must have grasped the essence of this amendment. For

those reasons, we will support the minister’s amendment.

Mr. Mancini: Mr. Chairman, I do not want to prolong the debate, but I ask the members of the House what business it is of the Workers’ Compensation Board whether an injured worker is receiving some kind of payment from CPP because of a heart condition or because of some other ailment that is not related to an injury the worker may have.

Why should we confuse that issue at all and have it in the act? Why do the minister and the WCB have to tell us that under no circumstances will they penalize injured workers if they have a heart ailment and have been given a pension under the Canada pension plan because of it? What does that have to do with the Workers’ Compensation Board?

I said earlier that I cannot support this amendment and we will not support this amendment. I am not even sure why we need such a silly amendment. Why does the board need to have in legislation an instruction saying it should not fool around with someone’s CPP benefits if they are totally unrelated to the injury? I fail to see any logical reason for that to be in the act.

Through Bill 101, this government is going to integrate the Canada pension plan benefits, a plan not instituted by this government and into which it did not pay, into a system over which it has no control. That is the issue at heart here, and we are going to oppose the amendment.

Mr. Lupusella: Mr. Chairman, I would like to bring some sanity to this debate. In past debates the Liberals and the New Democrats have tried to remedy or improve the worst situation spelled out under Bill 101 and to convince the minister that there might be a better way to deal with the situation.

Even though we agree with the principle that CPP benefits should not be a bar to receiving a supplement pension or any other benefits, as we have noted in discussions on previous subsections, injured workers have been penalized in several ways. By being a bit flexible, the minister is at least alleviating the situation, even though he is not solving the problem of penalizing injured workers.

I see some contradictions between subsection 45(8) and subsection 45(9) of the act as set out in section 11 of the bill. I would bring to the attention of the minister that under subsection 45(8) there is no question but that the CPP benefits will be deducted to determine 90 per cent of the average earnings of the injured worker. There is no misunderstanding on that point.

Injured workers will be penalized because CPP will be deducted.

In subsection 45(9), we are dealing with an injured worker who is to receive a supplement pension. The minister is adding a new or extra dimension to the Canada pension plan with respect to a disability arising from an injury. I do not understand what kind of scale will be used by the board to apportion the money between the injury arising from an accident and the money the injured worker is receiving for disabilities not arising from the accident.

It is not clear what scale the board will utilize to determine the amount of money payable with respect to the disability arising from the injury and the amount of money for disability not arising from the injury. I need clarification of that.

4:30 p.m.

In relation to the whole principle of CPP, there is another question that should be clarified by the minister. I think there were several statements by representatives of the board before the committee that, to be eligible for a pension supplement at the time an injured worker is applying for a pension supplement and an application for CPP has been made, under the terms of the policy the injured worker is not penalized from receiving a pension supplement or rehabilitation service. Am I correct? I think that is the case.

With the principle of the present act, an injured worker is penalized from receiving a pension supplement or rehabilitation service at the time he is receiving CPP payments. I think the board uses a different system under the present act, not Bill 101 but the present Workers' Compensation Act, so that by receiving CPP payments, the injured worker is actually penalized because he is not available for rehabilitation or is not entitled to receive a pension supplement. I need some clarification because I understand that under subsection 45(9) injured workers are not penalized as to where they will be receiving payments.

I need clarification as to what kind of repercussion there will be under this act for an injured worker at the time he is receiving payment from the Canada pension plan. Will there be a new policy to reflect the new approach used by the board, or will the present policy be implemented and, therefore, injured workers will be penalized at the time they are receiving Canada pension plan payments, especially if they apply for pension supplements or seek rehabilitation service from the board?

I would like to find out the interchangeable infrastructure existing between the old act and

the new act. I think the minister has to clarify that.

We also agree with the statement by the member for Essex South that injured workers should not be penalized at all. I think this type of amendment clarifies the situation. There is a slight improvement, because there is a clearer approach so that injured workers will not be penalized at the time they are receiving Canada pension plan payments. The board will now take into consideration the disability arising from the injury.

I am not clear in my mind about the scale that will be used in determining the amount of money that should be deducted as a result of the implementation of this new section.

Hon. Mr. Ramsay: I believe my amendment to subsection 45(9) answers the concerns of the member for Dovercourt by specifying that only payments received from CPP for the compensable disability will be taken into account under subsection 45(8). I also want to stress that this subsection will treat existing workers as well as new workers in exactly the same manner.

I thought we had reached an accord on this. I thought the honourable member was convinced that this would do what I am telling him it will do. However, I am pleased to have the opportunity to confirm it.

Mr. Lupusella: Since the minister is confirming it, I would like to give a clear example to answer our concern.

Let us say an injured worker is receiving \$300 from the Canada pension plan as a result of combined work injury and other physical components not related to the injury. Eventually, he receives a 30 per cent permanent disability award from the Workers' Compensation Board, resulting in \$250 per month. By the nature of subsection 45(9), what kind of scale will the board use to deduct the amount of money from the Canada pension plan that will be strictly related to the disability arising from the injury? I want to give the minister a concrete example so we can get the right answer.

Hon. Mr. Ramsay: Perhaps we could stand that down for a moment. We will have that information very shortly for the honourable member.

The Deputy Chairman: Fine. Shall we proceed to the next amendment and then come back to that subsection later? The next one I have is on section 15. Shall sections 12 to 14 inclusive of the bill carry?

Oh, I did not see the member for Nickel Belt standing up.

Mr. Laughren: Mr. Chairman, we were dealing with subsection 45(9) of the act. Is that right?

The Deputy Chairman: Yes, and we have just stood it down.

Mr. Laughren: I wanted to say something on subsection 45(10).

The Deputy Chairman: Then let us proceed there. You are quite in order.

Mr. Laughren: I will not dwell on it for long, but it is the same old bugaboo. The section states, "where the worker is seriously and permanently disfigured about the face or head, the board may allow a lump sum in compensation therefor."

It is the old story about the word "may." I would not feel so strongly about this subsection if I did not have two constituents, both of whom I had to fight for in order to get this disfigurement award. These were very serious disfigurements because of a gasoline explosion in a service station.

The thought that the board would not have volunteered those disfigurement awards still appals me. This happened 10 years ago. I still see these gentlemen around, and whenever I see them I get angry all over again. The board should not have the kind of discretion that would allow it to ignore a gross disfigurement.

I guess the only problem here is in determining whether a disfigurement is serious. There is a line between a scar and disfigurement; I can understand the problem there. But once it has been determined that the disfigurement is serious and permanent, then it should not be discretionary on the part of the board.

I can understand the debate over whether it is a serious disfigurement and I have no quarrel with that, because I can see the board would not want to pay a \$25,000-disfigurement award on a slight scar.

Mr. Mancini: When has it ever paid that kind of money?

Mr. Laughren: I believe \$25,000 is the maximum disfigurement award; I think that is correct. What is bothering me here is that there are lots of people out there who do not know the law, do not know the compensation act, just as people do not know most acts in detail. I wish the minister, the ministry and those finely honed legal minds had written this in such a way that the debate centred on whether the disfigurement was serious and permanent rather than on the discretionary powers of the board to make the award in a case of serious disfigurement.

4:40 p.m.

I do not know whether the minister appreciates what I am saying. It may be a fine line, but I think it is an important one. If the disfigurement is serious, there must be a lump sum award. Debate if you will whether or not it is serious, but once it is determined that it is serious, then it should not be discretionary on the part of the board. There must be a lump sum compensation award.

I ask the minister to respond to that. It is not fair. The people I am talking about should never have had to come to their local members of the Legislature to get satisfaction from the board.

Hon. Mr. Ramsay: I recall the debate at the committee stage quite well, because at that time I had a similar case with a constituent of mine, which I have referred to. I can sympathize with the member. I know the point he is trying to make, and I accept it, but we will have to leave the subsection the way it is.

Mr. Mancini: Why is this limited to disfigurement of the face and head? Why does it not include other parts of the body?

Hon. Mr. Ramsay: I believe this to be the same as an existing section in the old act.

Mr. Mancini: Then I have to inform the House I am not satisfied with subsection 45(10). The minister knows full well that terrible disfigurement can occur to different parts of the body in cases that involve scalding and burns. Those disfigurements will last a lifetime. In many cases, the skin turns dark and looks almost like canvas. Because of that, I want to know from the minister whether the board makes lump sum payments to workers who have had the kind of accident I have described.

Within the past year or so, a worker in my constituency was scalded from the bottom of his neck all the way to his ankles. He will be totally disfigured for the rest of his life. He still wears the protective garments that burn victims have to wear. I cannot sit back and simply allow a section to pass which says the government will make lump sum payments for disfigurements around the face or head, but the individual will not be entitled to anything if other parts of the body—or in an extreme case like this, the whole body—are disfigured and scarred.

This is especially intolerable when one reviews the circumstances of the accident, which occurred because certain equipment had not been inspected. Equipment relating to boilers had been put into place, and it had never been registered with the Ministry of Consumer and Commercial Relations, and therefore health and

safety inspectors of the Ministry of Labour and boiler and pressure vessel inspectors from the Ministry of Consumer and Commercial Relations never inspected that equipment. We had a tragic experience which culminated in all this information being made public, and for us to sit back and say there can be no lump sum for that individual is intolerable.

Unless someone can assure me that this person would be entitled to some type of payment for disfigurement, I am going to ask that this be stood down so I can prepare an amendment. We may have a lengthy debate on this matter.

Mr. Lupusella: We have been talking about marginal improvements under Bill 101; but I am not particularly sure any more, after reading all the discretionary powers that are in place throughout the bill. Here we are talking about another clear-cut case of discretionary power.

With the greatest of respect to the minister, the section says that in the case of a worker who is "permanently disfigured about the face or head, the board may allow a lump sum in compensation therefor." We are not inventing a disability. We are talking about when the disability is so evident and so clear, the board may decide to give a lump sum in compensation to the injured worker.

The minister has great faith in the board, and I do not blame him. However, based on our experience, we do not have the same faith he has. That is why injured workers have been suffering injustices and that is why the law is becoming terrible. A lot of injured workers—too many injured workers—will be caught in the middle. Those who have a case, because of the discretionary power given to the board, eventually will have to appeal to the appeal tribunal or to the board to demonstrate their disability, which as far as we are concerned is clearly spelled out under subsection 10.

I do not want to become repetitive, because we have made the same arguments on different topics. We are talking about when a "worker is seriously and permanently disfigured about the face or head, the board may allow a lump sum in compensation." I am not sure if what we are doing on Bill 101 is legal, and I do not like the legal language, because there is something that is political hiding behind the motivation that is spelled out under subsection 45(10) of the bill.

We are not talking about hypothetical cases where we cannot visualize the disability. We are forcing injured workers to appeal their cases although at the very beginning of the process and through to the end of the process of a disability arising as a result of an accident, the board will

have ample opportunities and good medical reports to spell out the case of the injured worker as to whether the injured worker is faced with serious and permanent disfigurement about the face or head. I am sure the pension department will have an opportunity to review the medical file of injured workers and to allow what the injured worker is entitled to under the different sections of Bill 101.

There is no quarrel or misunderstanding about the seriousness of the injury and how seriously the injured worker has been disfigured as a result of the injury, because the pension department, the medical panel and the medical staff employed by the board will have an opportunity to see the injured worker at the time when the injured worker is called for an assessment of his physical or psychological conditions. Here we are faced with the discretionary power that allows the board or the medical branch of the board or the pension department of the board to refuse the lump sum award as a result of the seriousness involved with this disfigurement issue, which subsection 45(10) is talking about.

4:50 p.m.

We are not saying we do not have safety valves within the system to identify the principle of whether the injured worker is seriously affected by disfigurement, but when we have such a case the board still has the power to allow the lump sum payment in compensation. I think it is terrible. The minister might tell us we are trying to delay the process of this legislation. I think he was unfair at the time he made the statement. We are particularly concerned about the content of the language which he—

Hon. Mr. Ramsay: Mr. Chairman, on a point of order: I clarified that on Thursday. I came back in this House and thought I was being extremely gracious. I did not think it would be raised again. I acknowledged I was at fault and accepted full responsibility for my actions and what happened in the House that day. I am worried that the member for Dovercourt may not have heard my comments that day.

Mr. Lupusella: I withdraw my statement. I had forgotten the minister had apologized for that.

We have exhausted our convincing arguments to change the minister's mind because it does not make any sense to convince the minister any more. He has made up his mind. He does not want to change his position. It is as simple as that. The law is so clear. The case is clearly spelled out within subsection 45(10) of the act as set out in section 11 of Bill 101.

The minister is unfair in persisting in the use of the word "may." The word "may" is nicely used by the public on a daily basis as a permissive word, but when used by the board under Bill 101, it might have a detrimental effect on the injured worker who has to receive different benefits covered by the bill. I hope the minister will have an opportunity to change his mind.

I would move an amendment that the word "may" should read "shall."

Mr. Chairman: Does the member have that in writing for us?

Mr. Mancini: Mr. Chairman, may I inform the House that I have submitted a motion which may take care of the New Democratic Party's concern and which goes a little further on this issue of disfigurement.

Mr. Laughren: It doesn't deal with the word "may."

Mr. Mancini: I will consent to change "may" to "shall."

Mr. Chairman: Mr. Mancini moves an amendment to subsection 45(10) of the act as set out in section 11 of the bill, "Notwithstanding subsection 45(1), where the worker is seriously and permanently disfigured, the board shall allow a lump sum in compensation therefor."

Does that satisfy the member for Dovercourt?

Mr. Lupusella: Yes, it does.

Mr. Mancini: I took a couple of moments earlier to express my concern about this section. Before I get into lengthy debate on this, I wonder whether we can hear from the minister. In accidents where scalding is involved and where a person may suffer from fire—

Hon. Mr. Ramsay: I am prepared to respond to what the member has said.

Mr. Mancini: Fine. I thank the minister. I am willing to listen.

Mr. Chairman: I would just say to the member that we made a couple of editorial changes in the text of this.

Hon. Mr. Ramsay: I am prepared to respond to what the member had to say before. A portion of this response would also relate to some of the comments made by the member for Dovercourt, other than the "may" and "shall." We have gone through that on many occasions now. I appreciate where he is coming from, and if I were in his shoes, I would be making that point at every opportunity I had as well. I am not being critical of it, but there is not much sense in responding each time he makes that same argument, which he makes very well.

However, let us talk about subsection 45(10). The member for Essex South is implying that this is something new. Let us look at the history of it. At one time, this was not in the act. In other words, disfigurement of any portion of the body that was serious and caused impairment usually meant one received a lifetime pension. Obviously, I do not know the complete history, but there was pressure to put in an additional section to make special provision for those who had disfigurement about the face or head. This was an improvement on what we had before. This is not a regressive step.

We provide lifetime pensions when there is disfigurement anywhere on the body, but when it is to the face or head, additional compensation is available. This was brought into the act after representations by many organizations and, I am sure, by the members opposite. That is the background.

Mr. Mancini: In the limited amount of time we have, I am going to try to make a case to the minister as to why the amendment I placed should be accepted. If he would accept that amendment, which would include the whole body, I would even be willing to substitute "may" for "shall" again.

This is very important. I firmly believe that any reasonable person who has the opportunity to see disfigurement caused by scalding, burns, flames, etc., would automatically agree that some type of compensation should be payable. If one's body has been scalded or badly burned, it is not very comfortable to be walking along a beach, is it? If one's body has been scalded or badly burned, in some cases one cannot even wear shorts. If a person's body has been scalded or badly burned, it is difficult to play baseball with the guys and then take a shower in a situation where there might be no privacy.

I am not talking about a burn behind the knee that one cannot see, something that might be the size of a silver dollar. I am talking about severe scalding and burning that covers a tremendous portion of a person's body. To me that is just as severe and just as painful psychologically and physically as a person who has been facially disfigured.

I understand the minister's concerns. He does not want to pay lump sum payments to somebody who has had his small toe scalded. However, he must also understand our concerns. In situations similar to the ones I have described, there can be no logical reason to deny the person some type of lump sum payment.

I understand that the minister has made a case. He said the act has been improved and that we are extending benefits. That is great. I appreciate that. I am sure all people who receive these benefits are going to appreciate that their concerns will be listened to and in some cases compensated.

Hon. Mr. Ramsay: Have been.

5 p.m.

Mr. Mancini: Have been; fine. I have constituents who have been compensated for facial injuries. I am aware of that.

We have to look at this again in the light of disfigurement of a person's body. In cases where the disfigurement is severe and the extent is enormous, we cannot just sit by and say: "The person who has had some disfigurement to his face can get \$2,000 or \$4,000. However, the person who has had his whole body burned, who will never be the same again, whose skin will always look like canvas, who will never be able to walk on the beach and who will never be able to wear shorts or do any of the things that even people with disfigurement around the face and head will be able to do, will not get anything." We are talking about a maximum of \$25,000, not millions of dollars.

I want to go back to the point of negligence against the employer. I have a situation in my constituency—and I say this honestly; I am not exaggerating at all—where, if this person were in the United States, the settlement would be in millions of dollars, not \$380 a week or some such figure from the Workers' Compensation Board.

What are we asking the minister in return for giving up the right to sue people who have been negligent? In this situation, even the ministry proved that the company involved was negligent. The company has been charged and may have been fined already. I do not know, but it has happened. What are we asking for? We are asking for some recognition for damage done to the body.

I do not think there is a member across the floor who could stand up and make a good argument why someone who was injured in an industrial accident and had his body scalded from the bottom of his neck all the way to his ankles should not be treated equally with someone who has been disfigured about the face or head.

I am sure none of us would want to be put in any of those positions. We understand what that would mean to us, what it would be like to walk around with a disfigurement, how embarrassing it would be and how self-conscious we would be. The same applies to other parts of the body. If we

are going to do it, as the bill says in subsection 10, for the face and for the head, then there is no logical or justifiable reason to deny the same privilege, right or consideration to people who have been badly disfigured as a result of scalding or other burns.

I do not know if the minister is going to reconsider or dismiss my case out of hand. If he does the latter, I will be very sad about it. I know he has already accepted some amendments put forth by the opposition. I know he is concerned about costs because the board has a \$4.8-billion unfunded liability. We are not unaware of the board's financial plight.

I want to know from the minister, or from some of his experts, how much the cost would be, taking into consideration the maximum a person could receive is \$25,000. I want to know from the minister, or to hear a guess from his experts, how much money the board would have to spend to accept my amendment. I would be willing to take out the word "shall" and resubstitute the word "may," because I have no qualms whatsoever about people who find themselves in this position being able to convince fair-minded people that they do deserve some consideration.

Hon. Mr. Ramsay: I do not want to put such a serious subject on the question of cost. I do not think we should be looking at it from that aspect. It is a matter of policy.

I would like to remind the member, with respect, and the member for Dovercourt because this ties in with his comments earlier—and this is the last time I will rise on this section—that the bill provides for a new corporate board, as the members opposite are aware, which will have worker representatives who will influence policy. Just as this section was included and added to the act some time ago, this time the workers will have an influence.

Further to that, there is a tripartite appeals tribunal to which the worker can turn if he is dissatisfied. The measurement of serious injury is one that can be argued about. I believe the new corporate board makeup which deals directly with policy and the external appeals tribunal are new factors that bring new elements of importance into play.

Mr. Mancini: The minister says he is not concerned about the costs and that my concern is not covered in the bill because of policy and not because of costs. That is fine; I accept that he is not concerned about what the costs would be. Yet if he is not concerned about the costs and knows the board will make payment only after a

thorough review and after it has been firmly convinced that some kind of payment is necessary, why would he want to take away the opportunity for someone who has been terribly disfigured to get some type of payment? I just do not understand that.

I am not attempting to try anyone's patience. I realize this is probably the last week the House is going to sit. I realize that at this time of the year, honourable members want to be with their families. I know ministers have very little time to spend with their families at this time of the year because of the pressures they face. I know that.

Mr. Stokes: Is the member saying this is the time of the year for the minister to be charitable?

Mr. Mancini: I am leading up to that. I know the ministers face those pressures, because we face them too; so I am not trying to be difficult, and I am not putting forth my amendment to try to get under anyone's skin or to try to prolong the debate.

Mr. Laughren: The member is trying to provoke the minister.

Mr. Mancini: No, I am not. I would not do that on such a serious matter, especially when it affects one of my constituents and when I personally have seen the physical damage caused by the scalding suffered by this individual. I would never want to fool around with a situation such as that.

That being said, to the very last moment we will take every opportunity in the House to try to persuade the members on the government side of some of the inequities that exist, and this is a terrible inequity. This is a terrible situation whereby we prevent people who have suffered grave disfigurement from even making an application, from even asking the board for a decision. I cannot understand why the person's body would not be taken into account.

These cheques are not handed out just because somebody asks for them or because the board feels that because today is Monday, it should give somebody a cheque. These payments are made after full scrutiny and after medical teams have visited with or seen the injured worker.

I have spent a great deal of time talking about being scalded or burned, but a similar situation might arise on a farm. A person might have his hand, arm or leg caught in a piece of farm machinery and be so badly injured that one would not even be able to recognize the part of the body after the person got himself out of the situation and into a hospital for care. We are saying that there would be no disfigurement allowed, that the board could not consider it, even if a person's

arm was chopped up from his fingers to his shoulder. All I am asking is for the minister to give the board the opportunity to consider payment for disfigurement.

5:10 p.m.

If a construction worker has a wall fall on his hip, knees and leg and after a period of years because of no muscle activity, the leg and muscle start to shrivel, are we to say to that worker, "You are really not disfigured, people really cannot tell that you are disfigured, and therefore you will not even have the right to ask for some type of compensation"?

I understand what the minister says when he rises in the House and tells the members that we have a better system here in Canada than they do in the United States, because when you are judged to be injured, you are paid, period. You do not have to hire a lawyer, you do not have to go through a long lawsuit and you do not have to take a chance. I agree with that. That is fine. That is the way it should be.

But it works the other way around too, and the minister does not mention that as often. The employers do not have to take a chance either. They can be negligent, either wilfully or unintentionally, and grave disfigurement can occur. In the United States these people would receive millions of dollars, and here they do not even have the right to ask for a lump sum payment that has a ceiling of \$25,000.

I just do not understand how we can say that this is acceptable. It is not acceptable. Having known the minister for these past two or three years, I do not believe it is acceptable to him either. Maybe somebody has decided over there that the government has accepted all the amendments it is going to take from the opposition, that no more amendments are going to be accepted and that it does not matter what the merits of a situation are. "We have accepted a couple of amendments. That is it. We have appeased them. We have thrown them a couple of bones. Now they cannot say that we have not listened to them and that we have been intransigent. Yes, we have accepted those amendments, and therefore that is it. That is all we have to hear as far as the opposition is concerned."

I am sorry, but the minister is going to be hearing a lot more about issues like this. We were told in the Legislature that it is not the money that counts, that this is not the problem. As the minister knows, certain sections of the bill were discussed in committee by some of my colleagues in which money was a problem; that is a fact. But when we get to a section and the

minister tells us, "No, it is not the money; it is the policy," then we have every opportunity to change that policy without financially hurting the Workers' Compensation Board and at the same time deliver some justice to someone who has been terribly injured.

Hon. Mr. Ramsay: Mr. Chairman, on a point of order: Just to clarify the record, I think the member is paraphrasing what I said. I know he is not doing it deliberately. I said I did not wish to discuss this issue on the basis of cost.

Mr. Mancini: Cost and money are the same thing. What is the difference between cost and money?

Hon. Mr. Ramsay: Again the member is misinterpreting what I said the first time. I said I did not wish to discuss it on the basis—"basis" is the key word—of money or cost. He can insert whatever word he wants in there. I did not want to discuss it on that basis; I wanted to discuss it from a policy point of view.

Mr. Mancini: The minister said, and Hansard will show this, that cost or money was not the issue; it was policy. I accept that. Cost is money.

I asked for some figures. I said, "Have your experts at the board tell us how much my amendment would cost." The minister said: "Cost is not the problem. Money is not the problem. It is the policy that is the problem."

Hon. Mr. Ramsay: No, I did not say that.

Mr. Chairman: We have a point of order here. I cannot get into the debate, but I do recall, with all due respect to the member for Essex South, the comment that the minister did not want to put a limit on that type of figure.

Was the member for Essex South wrapping up his comments?

Mr. Mancini: I have a lot to say on this subject, Mr. Chairman. I have sat through many hours of this debate and I have heard several members put their cases strongly. I believe some of the matters they spoke about were very important and did affect people in a very real way, just as subsection 45(10) does.

The minister says he cannot speak about cost and he cannot speak about money because he does not want to deal with it in those terms. I asked what the cost was and he said cost does not matter. I talked about money and he told me not to talk about money. I thought the gag order was in Ottawa.

Mr. Cooke: Mr. Chairman, on a point of order, I think we should probably check for a quorum.

Mr. Chairman ordered the bells to be rung.

5:20 p.m.

Mr. Mancini: Mr. Chairman, before the call for a quorum was made, I was discussing with the minister, and through the minister with all members of the House, the situation under subsection 10 as I perceive it. I view it as very discriminatory and unfair and in no way meeting the needs of the working people of Ontario.

I mentioned to the House situations that could take place in the event of scalding. I mentioned what could happen if a person got part of his body caught in some farm machinery and how a person could be disfigured if he was severely injured on a job site. If something were to fall on his body, atrophy could occur.

I was making the point about the entitlement some of these people might be able to receive if they were in the United States. The whole principle of the Workers' Compensation Act is to pay for earnings lost. The whole system of the act is based on that. In some areas, the act has been expanded somewhat. This is one of the sections where the matter of disfigurement has been taken into consideration, whether it interferes with one's ability to earn the same kind of income earned prior to the accident.

Having established in law that a person is entitled to some kind of payment when disfigurement occurs, it seems only logical to ensure that everyone will be treated fairly under this particular amendment. The only way to ensure it is done fairly is to accept the amendment I have tabled with the Chairman, which deletes the words "about the face or head" from subsection (10).

This would create a fair law, a law for which I have tried to ascertain the costs. I wanted to find out what effect this would have on the treasury of the WCB. I asked the minister to have his well-schooled people at the board find out for us whether my amendment would break the bank at the WCB. There is now a dispute as to whether I can or should talk about the costs or the money involved. We are going to get a copy of the Instant Hansard so that dispute is resolved.

The fact remains that a person—

Mr. Chairman: I would share with the member the fact that there is no curtailment on your debate. It was just that the minister raised the point of order.

Mr. Mancini: Yes, but every time I talk about the subject, the minister gets up on a point of privilege or a point of order.

Mr. Breaguh: He is harassing the member.

Mr. Mancini: No, I am not saying the minister is harassing me, but I want to deal with the subject as best I can. I want to establish firmly that the amendment proposed will in no way be a substantive amendment as far as costs attributed to the WCB are concerned. We are dealing with policy, with principle and with fairness.

If a person cannot walk on the beach because he has been disfigured, that is just as severe as a person having his face or head disfigured. I want to be told how that is different. I want to be told by the minister, if he chooses to take part in the debate again, how a person whose body has been scalded goes about life in public.

When playing baseball on a Saturday afternoon, for example, most guys take off their sweatshirts; yet one guy cannot because he is embarrassed by his disfigurement. I want to know how that is different from what is already in the act in subsection 45(10). I want to have it explained to me. I want to be able to accept what the minister is saying. Then we will be able to go on with the passage of Bill 101.

We are talking about the possibility of the government accepting a policy change to a section it already believes addresses many of the problems I am talking about. I want the government to ensure that all the issues concerning disfigurement are talked about and can be dealt with by the Workers' Compensation Board in a fair manner. I do not have to repeat that the money is not given out *holus-bolus*. A person has to go in, apply and be seen by medical practitioners. Their decisions are then reviewed, and a final decision is made by whoever allots the amount of money.

My colleague the member for Sudbury East (Mr. Martel) mentioned a lady in his riding who cannot wear a bathing suit because her legs are disfigured. Who says that is any less important than disfigurement to the face or head? Who says it is any less traumatic? Why can we not get through to this government on this matter? I have been told it is not one of expense to the board. It is a matter of policy and a principle the government believes in—

Mr. Laughren: I think the minister is reading a medical journal.

Mr. Mancini: I am not sure what he is reading, but at this stage I do not care. I am speaking to all members of the House. The government will have to live with Bill 101 after it is passed. All the Tory back-benchers, most of whom are absent—I should say they are probably absent for a good reason—will have to explain to individuals who become severely disfigured,

because of industrial or farm accidents, why they will not qualify for any type of lump sum payment.

We know the maximum is \$25,000. If it was a worker in the United States, he would probably get many millions of dollars for such a tragedy, but here we limit it to \$25,000. We are not arguing about the \$25,000 or the procedure a person would have to go through to qualify for the lump sum payment. We are not telling the minister to make it easier. We are not telling him to raise the ceiling.

5:30 p.m.

As I said earlier, I would be willing to withdraw part of the amendment and change the word from "shall" to "may." That would give the board a very free hand in making these decisions. It would be very easy for a man or woman to cover an ear disfigurement. It might make one feel uncomfortable or self-conscious, but it would be easy to cover up by having long hair. However, a person who burns his body or has a part of an arm torn off by some farm machinery is not going to be able to cover up that to walk on the beach. He is not going to be able to enjoy some of the good things that other people take for granted. We want some movement in this policy area.

I am going to sit down for a moment. If the minister wishes to respond to my suggestion, that is fine. If not, I have some more comments to make.

Hon. Mr. Ramsay: Mr. Chairman, I guess I am not making my point that the person who is scalded on the legs or loses an arm in a farm accident is compensated for that injury. A while ago, in order to enhance the policy of the board—and it was also something that is not covered anywhere else in the act—compensation for pain, suffering or emotional trauma was added to it.

As I understand the honourable member, he has no quarrel with the fact that special compensation was added to the act. He is arguing to extend it all the way now. Is that correct?

Mr. Mancini: Yes.

Hon. Mr. Ramsay: I am suggesting that this part of the act is already very advantageous to workers. I am pleased it is in there. I felt it was a very positive step having it in there, but now the member wants us to carry it all the way.

Mr. Laughren: To make an improvement. We are supposed to be making improvements in the bill.

Hon. Mr. Ramsay: I am prepared to listen to the honourable member just as long as he wants to discuss this and wants to debate it, but I am afraid that for the moment I just cannot go any farther than we have gone. As I said earlier—and I really hesitate to repeat myself—this is a matter that could well be discussed by the new corporate board and could well be taken under consideration by the new appeals tribunal, because there will be worker representation and labour representation on the corporate board.

Mr. Chairman: I appreciate the minister's comments. As the minister mentions, he is happy, and I am sure all of the committee is, to listen to the member as long as he wishes. However, I would remind the member with all due respect that we do have our standing orders about redundancy and repetition.

Mr. Mancini: I have not been redundant.

I have to accept, of course, what the minister says. He says there has been improvement in the bill and that my suggestion would go beyond any type of improvement he wishes to make at this time. He suggests that this new corporate board would look at it. The new corporate board is going to have its hands full dealing with Bill 101 and is not going to have much time to deal with whatever is not in Bill 101.

I think we were left with the feeling that some of these people could appeal these things. One cannot appeal anything that is not in the law. One cannot appeal anything that is not appealable. To suggest even in a slight way, to say that some time in the future someone who has been disfigured in the way I have described earlier may have the opportunity to appeal, is just not right. We will never have the opportunity to appeal until we extend subsection 45(10). When we extend that section, then they will have the right to appeal.

That is fine. I have made my case. I am not here to filibuster; I am not here to waste the time of the House. I have explained to the minister as best I could the situation the way it is and where people will find themselves when they do have their bodies permanently disfigured in these types of industrial accidents. They will not have the same rights as other people. They will be denied the right of a lump sum payment and they will not be able to be compensated as other people will.

That is fine. That is how the bill is going to pass. My amendment stands, and we will divide on the amendment the way the minister has suggested.

Mr. Lupusella: I am going to make my comments in three minutes.

Mr. Barlow: Three minutes? Is that a promise?

Mr. Lupusella: Three minutes; no more than that.

I think the amendment makes sense. I brought to the attention of the Chairman and the members of the committee that I was once faced with an injured worker who was seriously disfigured around the legs. He was married and was on the verge of divorce. Social agencies got involved to save the marriage. He was seriously disfigured around the legs as a result of an explosion that took place many years ago; I do not remember which company he was with. He was forced to fight many times and to present appeal after appeal before the board to get the 30 per cent disability award as a result of the disfigurement issue.

The amendment before us makes sense because it takes this case into consideration, a case I brought to the attention of the minister even at the time the committee was engaged in clause-by-clause debate. It makes sense, but we are unable to convince the minister to change his mind about that. We exhausted the arguments when he was supposed to take into consideration when trying to amend the verb "may," which is worse.

The minister might say the new corporate board might come out with new policies because, from now on, under the authority of Bill 101 there will be a new corporate board. If the law is the law as it has been drafted, it talks about "face or head." Unless the minister shows us otherwise, how can legs or any other part of the body be taken into consideration in relation to the lump sum issue?

In the past the board, to justify its bureaucratic approach to the whole system and the lack of sensitivity—sensitivity does not exist in any part of the present Workers' Compensation Act—was telling us, when appearing before the standing committee on resources development to review its annual report, that there was no way the board had the power to do certain things because it did not have the legislative mandate.

What the minister is telling us is that eventually the new corporate board, in the forming of policies, will have the authority to increase, for example, the ceiling on a yearly basis; they can do that. Either the minister is trying not to give proper weight to the concerns raised by the Liberals and by us, or he is kidding us about this section. When we talk about "face or head," there is a meaning to the words. One

cannot incorporate legs or other parts of the body.

The minister is going to say the new corporate board will solve the situation and the injured workers will have representatives sitting on the board. He is wrong. He is asking for more bureaucracy, which will be set up when Bill 101 is passed by this Legislature. He is looking for more lack of sensitivity on the part of the board. It will have the ammunition not to be sensitive to the problems of injured workers, because such sensitivity is not reflected in the content of Bill 101.

5:40 p.m.

He is calling for more demonstrations by injured workers as a group in front of Queen's Park. The bureaucratic approach will increase because more injured workers are going to be forced to appeal and to bring their cases before the new appeals tribunal to show that the board was wrong in the initial stage in denying a lump sum where a serious and permanent disfigurement took place as a result of the accident.

That is what he is looking for. He is looking for more demonstrations. He is looking for more bureaucracy at the board level and for a lack of sensitivity in the decision-making process that is going to take place down there on Bloor Street when the board is supposed to deal with eligibility for the benefits that must be given to injured workers.

I just wonder why the appeal system is already becoming bureaucratic under the present act. It takes four or five months to hear an appeal. Representatives of the board might show me the opposite; they might disagree with that. But that is what is going to happen under the new law, Bill 101. It might even take years to hear an appeal because the board, as a result of its discretionary power, will commit more injustices towards injured workers across Ontario.

More appeals, more anger from injured workers, lack of sensitivity, an increase in the bureaucratic approach of the board and more demonstrations: that is what the minister is supporting today by refusing this reasonable amendment.

The Deputy Chairman: Before the minister responds, if it were the unanimous will of the House—

Mr. Mancini: He is not going to respond.

The Deputy Chairman: Just to change the subject, we have a stacked vote at 5:45 p.m. There are also plans to continue debate on this

bill tonight. Would it be the will of all parties to have one vote at 10:15 p.m.?

Mr. Laughren: No.

The Deputy Chairman: I thought I would try.

Mr. Kerrio: It is a good idea. Why not? Are you not going to be here?

Mr. Mancini: It is okay with me.

The Deputy Chairman: There is some desire to have one vote, but not enough.

Mr. Mancini: As the Labour critic for the official opposition, I can say that it is okay with our party.

The Deputy Chairman: It is okay with the Liberals.

Mr. Lupusella: Mr. Chairman, we disagree with that approach. We have further amendments that we are going to move this evening, and I think it will be useful to go through the voting process before the House rises.

The Deputy Chairman: Whatever the House wants. You could still put your amendments forward, but we could carry on and have more chance for a debate on this important bill.

Is it the pleasure of the House that subsection 45(10) carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

I am sorry. Let me just repeat that. I think there is some confusion. This is an amendment that has been put forward by the member for Essex South. It is the one we have just been debating and it is to subsection 45(10).

Mr. McClellan: Mr. Chairman, on a point of order: Just so this does not happen any more, when you are reading the amendments, would you please name the mover of the amendment?

The Deputy Chairman: I thank you for that counsel and guidance. I will endeavour to do so. Remind me any time I fail to do so.

This is an amendment by Mr. Mancini to subsection 45(10). All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

The Deputy Chairman: Are we going back to subsection 45(9)?

Hon. Mr. Ramsay: Yes, that is exactly why I was on my feet. The member for Dovercourt had asked me a question, and we stood it down until I got the answer on how the scale would be determined.

The board will be conferring with the federal government about the exact method to be used. It will deduct a proportion of the Canada pension plan received in relation to the worker's compensable injury.

Mr. Lupusella: Mr. Chairman, with the greatest respect, we were favouring the improvement that is contained in the bill and now we are talking about a scale that will not be known. I think the full process should be explained to us before we take a position on whether we should support or reject the principle.

We have to evaluate the situation. We do not know whether at the end of the application of the scale the injured workers will eventually end up the losers as a result of that amendment. So unless we are going to get a clear indication of exactly what is going on in relation to that scale and how it will be implemented, I have reservations about whether the amendment should be supported.

The Deputy Chairman: It is now 5:45 p.m.

Hon. Mr. Ramsay: Can you give me a second?

The Deputy Chairman: No, it is now 5:45 p.m.

Hon. Mr. Ramsay: I was just trying to save the committee some time.

The Deputy Chairman: We have a lot of time tonight and the rest of the week and over Christmas.

5:55 p.m.

On section 11:

The committee divided on Mr. Lupusella's amendment to subsection 45(5) of the act, which was negatived on the following vote:

Ayes 28; nays 45.

The committee divided on Mr. Lupusella's amendment to subsection 45(6) of the act, which was negatived on the following vote:

Ayes 13; nays 60.

The committee divided on Mr. Lupusella's amendment to subsection 45(8) of the act, which was negatived on the same vote.

The committee divided on Mr. Mancini's amendment to subsection 45(10) of the act, which was negatived on the following vote:

Ayes 28; nays 45.

The House recessed at 6 p.m.

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Barlow, W. W. (Cambridge PC)
Bennett, Hon. C. F., Minister of Municipal Affairs and Housing (Ottawa South PC)
Bradley, J. J. (St. Catharines L)
Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)
Breaugh, M. J. (Oshawa NDP)
Conway, S. G. (Renfrew North L)
Cooke, D. S. (Windsor-Riverside NDP)
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)
Drea, Hon. F., Minister of Community and Social Services (Scarborough Centre PC)
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Wildman, B. (Algoma NDP)



Hansard

Official Report of Debates

Legislative Assembly of Ontario



Fourth Session, 32nd Parliament

Monday, December 10, 1984

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Monday, December 10, 1984

The House resumed at 8 p.m.

House in committee of the whole.

WORKERS' COMPENSATION AMENDMENT ACT (continued)

Resuming consideration of Bill 101, An Act to amend the Workers' Compensation Act.

On section 11:

Mr. Chairman: I believe the minister is going to speak to subsection 45(9) of the act.

Hon. Mr. Ramsay: That is correct, Mr. Chairman. I would like to speak to the concerns of the member for Dovercourt (Mr. Lupusella) in respect to the scale on Canada pension plan benefits.

The board will consult with the Department of National Health and Welfare concerning the reason for a CPP disability pension award and discuss with it whether any portion of the award relates to a disability the board is compensating.

On the basis of this consultation, the board will determine as precisely as possible that portion of the CPP disability pension which is relevant to the work-related disability. The board will then deduct only that identified portion of the CPP pension from the worker's gross pre-injury earnings.

Existing claimants at the date of proclamation will have equal access to the reforms provided in this section, as part III of the bill confirms. They will be entitled to consideration for supplements whether or not they are receiving CPP disability payments. Existing claimants who are receiving CPP disability pensions and who receive supplements will have their entitlements calculated as new claimants would.

I trust this will clarify the concerns expressed by the honourable member.

Mr. Lupusella: Mr. Chairman, I do not have any problem with the consultation process with the federal government, but I still do not understand what the gross pre-injury earnings payments have to do with the calculation of CPP.

I am getting the impression the minister will deal with this particular scale as if the injury had taken place then. I am still confused about how the scale will be applied, even though this

consultation process will take place between the board and the federal government in cases where a permanent disability award has already been given to the injured worker. I think this particular section has to do primarily with the pension supplements.

The gross pre-injury earnings payments can easily be understood if the injury is new, but when the deductions take place at the time of the injury and the injured worker receives payments for a certain period of time on a temporary basis, then the board decides to give a permanent disability award to the injured worker who is unable to go back to work as a result of the permanent disability, after a few years the injured worker decides to apply for CPP benefits. He co-operates with the rehabilitation department and becomes eligible for a pension supplement.

I am sorry, but I still do not understand how the scale will be applied. Can the minister explain this further? It is a new injury and the injured worker has no intention at all of applying for CPP unless he is faced with a permanent disability caused by the accident. Then a few years after the initial accident, he decides to apply for CPP. There is a permanent disability pension resulting in a certain amount of money coming from the board. Because the injured person is unable to go back to work for different reasons, perhaps because of the effect of other disabilities not related to the accident, he decides to apply for CPP. Eventually, the injured person will get CPP payments.

There is a pension coming from the board. Then, because of other disabilities, the worker becomes eligible for CPP benefits. The minister's amendment says the board shall have regard only to the payments received by the worker with respect to a disability arising from the injury. The issue of the scale is still confusing me. I need further clarification on how this scale will be applied.

Hon. Mr. Ramsay: Mr. Chairman, I am anxious for the member for Dovercourt to be content in his own mind, so, rather than asking you to call the vote, I will ask you to stand down the vote.

I also ask the member to consult with the representative of the board who is with us this evening and who has been with us all through the committee stage and all through the committee of the whole House. Mr. Cain is totally conversant with the operations of the board. He provided great assistance to all committee members during the hearings before the standing committee on resources development.

As I say, I do not want the vote to be called, if we can stand it down. Meanwhile, the member for Dovercourt can consult and see if he is satisfied. If not, we will have to debate it further and eventually have the vote. Maybe we could move on to the next item.

8:10 p.m.

Mr. Mancini: Mr. Chairman, before we stand this down, this is the section dealing with the CPP, which states that if one has a disability pension for any reason other than the disability for which one is collecting WCB benefits, that disability pension from Ottawa is not interrupted.

Earlier on, an example was used about having a heart ailment when one is getting disability payments for a fractured knee or something such as that.

That is very clear, and that is the intent of the amendment. It is to ensure that anyone collecting Canada pension plan benefits for a reason totally separate from workers' compensation benefits will not have those funds integrated. Our position is that we do not need that in the bill. Why should the government want to have that spelled out? It should not be fooling around with the CPP disability benefits.

For those reasons, we are not prepared to vote for the amendment, no matter how clear or much more clear it becomes. We disapprove in principle of legislation that tells a person he needs a particular pension, for the government not to interfere if he is collecting benefits on something totally unrelated to his injury. This makes no sense.

The government should not be delving into those matters. This matter concerning CPP benefits will be voted against by our party, as we have voted against all the other items of interference in CPP disability payments by this government.

Mr. Chairman: Is it the pleasure of the committee that we stand down the amendment to subsection 45(9) of the act as set out in section 11 of the bill?

Mr. Mancini: No.

Mr. Chairman: All those in favour—

Mr. Mancini: In order to make things run smoothly, Mr. Chairman, we would consent to having it stand down.

Mr. Chairman: I appreciate having the committee's consent to stand that down to accommodate the comments that have been made.

Are there any further comments on or amendments to section 11 as a whole?

Mr. Breaugh: Mr. Chairman, on a point of order: It is causing me a problem that our critic is being briefed under the gallery, and I have not been able to locate his notes. It was the initiative of the minister to stand it down. I want to make sure that a section on which the critic wants to make some remark does not flow by. It would make me more comfortable if we would not have votes while he is being briefed.

Mr. Chairman: We can come back to it. As he passed by the table, we reminded each other that he has an amendment coming up on section 15 of the bill.

Sections 12 to 14, inclusive, agreed to.

On section 15:

Mr. Chairman: Mr. Breaugh moves that section 15(1) be amended by deleting proposed subsection 56(2) of the act.

Mr. Lupusella: Yes, Mr. Chairman. It has already been moved. I would like to make a few remarks on that particular section.

My colleague the member for Nickel Belt (Mr. Laughren) gave an elaborate explanation of why we are moving towards the deletion of this particular subsection of section 56 and I do not think we have to expand the debate any further. We had a prolonged debate when the committee was sitting. The minister was unable to comply with the request that my colleague the member for Nickel Belt made, and then we decided to delete this section altogether.

Mr. Mancini: Mr. Chairman, unfortunately I was not at the committee hearings that the honourable member talks about. I have read his amendment, which is very straightforward. However, I am not quite sure of the reasons for this amendment. Just looking at the bill the way it is, I cannot think of any reason at the present time for voting against what the government has put in front of us, other than that there is quite a bit of patronage at the board and it may cause some people some concern.

If the member for Dovercourt would expand just a little bit on why he has moved the amendment, then we might be able to decide

collectively whether or not we are going to favour it, because it might be very important.

Mr. Chairman: Would the member for Dovercourt give us a quick capsule?

Mr. Lupusella: Mr. Chairman, if I have to repeat the content of the extensive debate that took place among committee members, I will be able to do so. There is no doubt in my mind why we are moving towards the deletion of this particular section.

But I do not want to talk about two different topics. With your permission, Mr. Chairman, I would like to go back to subsection 45(9), which is the minister's amendment, because I got the explanation I was looking for. There was no doubt in my mind before going and talking—

Mr. Chairman: With due respect, we had best stick with subsection 15(1), if we may, and clear it away. The member for Essex South (Mr. Mancini) was just asking the member for Dovercourt for a quick summary.

Mr. Lupusella: I am ready to call the vote on that particular section. We had very extensive discussion, and I do not have to repeat the contents of the discussion we had in committee stage.

Mr. Chairman: Are we ready for the question, then?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

8:20 p.m.

Hon. Mr. Ramsay: Mr. Chairman, I was wondering if I may have the unanimous consent of the House to go backwards a bit. We did this for the member for Essex South last week.

I would like to go back to section 9. It is just a clarification. It is a motion I would like to make for clarification purposes.

Mr. Chairman: Hon. Mr. Ramsay moves that section 36 of the act, as set out in section 9 of the bill, be amended by striking out "death" in the last line of subsection 36(11) and in the sixth line of subsection 36(15) and inserting in lieu thereof in each instance "injury."

Hon. Mr. Ramsay: Perhaps a note on that. Section 36 of the Workers' Compensation Act deals with the compensation of survivors. The wage-related portion of this compensation is based upon the wages of the worker at the time of the injury. To ensure consistency in all the subsections of section 36, I have introduced an amendment to clarify that benefits to survivors

are based upon the worker's earnings at the time of injury.

This will amend the current wording of subsections 36(11) and 36(15) to remove their reference to earnings at date of death. Failure to make corrections could lead to a potential situation where benefits are calculated on artificially low earnings the deceased might have received in the period after the injury and immediately prior to death.

Section 9, as amended, agreed to.

Mr. Chairman: Now we are back to section 15, unless it is the pleasure of the committee to deal with subsection 45(9) of the act. That was stood down.

Mr. Lupusella: If we can, Mr. Chairman, I do not mind dealing with subsection 45(9), as set out in section 11 of the bill.

On section 11:

Mr. Lupusella: I got the explanation I was looking for even though there was no misunderstanding in my mind about the repercussions of this amendment. I was a great believer that the particular amendment introduced by the minister would greatly improve the situation of injured workers, particularly injured workers who are applying for the Canada pension plan. Eventually, they seek rehabilitation or a supplement that must be granted by the board. The terms and conditions of the supplement are clearly spelled out in different sections of the act.

We cannot deal with this particular section in isolation. I want to be more specific. The minister should be aware of the process of calculating the amount of a supplement for an injured worker who is eligible and who meets the criteria, which means he has to co-operate, he must be available for medical and vocational rehabilitation and so on.

Subsection 45(6), which was previously dealt with, talks about calculating the amount of the supplement. I do not want to read all of subsection 45(6), but it is so interrelated with the minister's amendment that it is worth bringing to his attention how the amount of the supplement is calculated.

Subsection 45(6) says: "...the board shall have regard to the difference between the net average earnings of the worker before the accident and the net average earnings after the accident and the compensation shall be a weekly or other periodic payment of 90 per cent of the difference but the sum total of such supplement and the award under subsection (1) shall not exceed the like proportion of the 90 per cent of the worker's

pre-accident net average earnings and the board shall have regard to the effect of inflation on the pre-accident earnings rate and to any payments the worker receives under the Canada pension plan."

I think we are faced with a contradiction within the law. My colleague the member for Nickel Belt stated on several occasions under different sections of the act that either one gives the right to the injured worker or one does not give it at all.

As a result of the power given to the board to implement subsection 46(6), which is the clear guideline or thermometer to calculate the amount of money the injured worker has to receive in relation to the principle of a pension supplement, then the contradiction comes in relation to the principle which is spelled out in subsection 45(9) of the act.

Even though we understand the Canada pension plan, based on the introduction of this particular section, is not a bar and injured workers are not penalized, they are penalized even though this particular subsection is in place. Subsection (6) is really the best indicator of how the scale will be implemented to find out how much the injured worker has to receive in relation to the principle of a pension supplement.

Going back to our concerns, we are leaving in contradictory rules which are going to dominate the destiny and benefits of injured workers. Instead of being rectified or clarified on behalf of injured workers, the law is becoming more confusing because the discretionary power of the board will eventually prevail to decide the total amount of money which the injured worker has to receive under different sections of the act.

Going back to the same principle, I really do not see too much difference. I went to talk to the board's officials just for the benefit of understanding the process. Subsection 45(9) states, "...the Canada pension plan shall not be a bar to receiving payments under clause 40(2)(b)..." Then under subsection 45(6) receiving the Canada pension plan is a bar from receiving further benefits from the board, which in our example is the pension supplement.

I really do not understand why we have to confuse the situation on behalf of injured workers. We have been talking about the principle of reshaping the rules on injuries across Ontario, but as far as I am concerned, in relation to Bill 101 the marginal improvements contained in it will eventually be taken away by extra power given to the board to decide how much money the injured worker has to receive. Under subsection 45(6), the Canada pension plan is a bar.

8:30 p.m.

Subsection 45(9), which is the minister's amendment, states that the CPP is not a bar to receiving different benefits related to the pension supplement. The mathematical process that would be in place is clear in my mind. Using my own example, if a person has to receive a 30 per cent disability award, which is the clinical rating system given to the injured worker, and he or she applies for a pension supplement, what the board is going to do is to take into consideration subsection 45(6).

That is the economic indicator to determine how much money the Workers' Compensation Board has to give to the injured worker in relation to the pension supplement. Even though he or she receives Canada pension plan benefits, the amount of money which is strictly related to the compensable injury—in our case the 30 per cent—then the 70 per cent will be deducted applying the mathematical process of subsection 45(6).

This means the 30 per cent is something the board will recognize as a process in which the injured worker has been affected by the injury arising from his or her employment. Eventually, the 70 per cent disability brings the total to 100 per cent because of other disabilities not related to or arising from the initial injury. Of course, the board does not give a damn about it, but it has to take into consideration the whole calculation and the whole process. The 30 per cent will be taken into consideration in my particular example, in which there is no particular deduction. However, the 70 per cent, to top up to 100 per cent, will be implemented in subsection 45(6).

We are again faced with penalties, considering the past history of the board in determining the clinical rating system usually given to injured workers. Knowing that the majority of injuries range from five, nine or 10 per cent, to 15 per cent for back injuries or whatever, unless the injury is more serious and one might reach 20 per cent, it is a penalty that is imposed on injured workers.

To be fair to the minister, there is a small marginal improvement because it clarifies the whole process of the board for injured workers and how the calculation has to be made in relation to the issue of the pension supplement and the relationship with the Canada pension plan. It is a slight improvement.

This does not motivate us a great deal, because the CPP payment eventually will be a deduction from the total amount of money that injured workers are supposed to receive under the

principle of pension supplements. I thought it would really be a great improvement. I want to be fair and frank with the minister; it is just a minor improvement that clarifies the process for the board as to how to calculate the CPP in the light of subsection 45(6).

I thought that the minister, in announcing this amendment, would be motivating me to commend him for what he had done in relation to section 45(9), which is the minister's amendment.

Mr. Chairman: May we agree to move to Mr. Ramsay's amendment to section 45(9) of the act, as set out in section 11 of the bill? We had stood it down. The member for Dovercourt has completed his remarks. Are there any further remarks?

All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Sections 15 to 27, inclusive, agreed to.

On section 28:

Mr. Chairman: Mr. Lupusella moves that section 28 of the bill be amended by replacing in the first line of the proposed subsection 77(5) of the act the word "medical" with the word "any."

Mr. Lupusella: Mr. Chairman, in subsection 77(5) we are talking about access to medical information by employers. We had a prolonged discussion about the issue. The minister was unable to change his position in relation to medical reports. We pursued the principle that medical information should not be released to employers and we gave the different reasons. Even though the issue of granting access to the employer will go eventually to the appeals system, I do not think the employer should have the right to know what is going on in relation to medical information which is strictly confidential.

We are trying to amend this particular subsection by substituting for the word "medical" the word "any." There was a particular contention during the course of the debate that the board will give access to the employer to medical information which will just be material related to the case in dispute. Several arguments have been made that employers must have such access to medical information to have the opportunity to defend the case before the appeals tribunal.

8:40 p.m.

I know that the number of employers appealing cases before the board has increased in the past few years and that under Bill 101 employers will have an opportunity to receive assistance from the Workers' Compensation Board to look after their own appeals as well.

I am sure the harassment process that will take place against injured workers will be enormous. I am sure time will tell us about the detrimental effects of subsection 77(5). I can easily visualize the tremendous increase in the bureaucracy at the board level because of the number of appeals that will be presented before the appeals tribunal, the adjudicator, the appeal board, the claims review branch or whatever.

I know the minister will not change his mind; we were unable to change his mind when the committee was engaged in the debate on the content of this subsection. However, I am urging other members to support our amendment because it is a fair amendment.

Mr. Mancini: Mr. Chairman, we have no problem in supporting the amendment that has been put forward. We cannot see why the injured worker should not be informed when confidential and private information about himself or herself is given out at the request not just of the employer but of any person. I do not view this as an employee-employer matter; it is a matter of confidentiality, which we should adhere to at all levels of government.

If information is contained in a file and if that file is in the hands of the government, no one should have access to it until the minister agrees that access should be given or until a hearing is held and it is deemed that this information is necessary for the purpose of an appeal or something of that nature. We have no trouble supporting the amendment.

Mr. Laughren: Mr. Chairman, I thought the minister was going to engage himself at least minimally in the debate.

Mr. Mancini: He is disengaged.

Mr. Chairman: All those in favour of Mr. Lupusella's amendment to section 28 will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Chairman: Before we deal with the minister's matter on section 25, can we have the committee's concurrence to go back to section 11? We never did quite carry it, as amended, and we probably should address that. May we?

Agreed to.

On section 11:

Mr. Chairman: Shall section 11, as amended, form part of the bill? We never dealt with section 11.

Mr. Lupusella: Will you please bring to our attention which section it is? Is this section 11 of the bill, proposed section 45(9) of the act?

Mr. Chairman: Yes. We carried the amendment, but we have never voted on the actual section 11. Shall section 11, as amended, stand as part of the bill?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Section 11, as amended, agreed to.

Mr. Chairman: Is there an agreement that we reopen section 25? The minister has an amendment, and perhaps we should deal with that. It would tidy things up.

Agreed to.

On section 25:

Hon. Mr. Ramsay: Mr. Chairman, this is a housekeeping amendment. We moved so quickly from section 15 to section 28 that I was totally befuddled and missed out completely here.

Mr. Chairman: Hon. Mr. Ramsay moves that section 25 of the bill be struck out and the following substituted therefor:

"Subsection 72(1) of the said act is repealed and the following substituted therefor:

"(1) In accordance with personnel policies approved from time to time by the board of directors of the board, the chairman, subject to such guidelines as may be established by the Management Board of Cabinet and subject to the provisions of the Crown Employees Collective Bargaining Act, may establish job classifications, personnel qualifications and ranges for remuneration and benefits for consultants, actuaries, accountants, experts, officers and employees of the board and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and ranges for remuneration and benefits established by the chairman."

Hon. Mr. Ramsay: Mr. Chairman, this amendment provides that the chairman of the Workers' Compensation Board may appoint staff and fix their remuneration, benefits and classifications according to guidelines established by

Management Board of Cabinet and subject to the Crown Employees Collective Bargaining Act.

Later in this debate, I will be introducing similar amendments applying to staffing of the appeals tribunal, in section 32 of the bill, and of the industrial disease standards panel, also in section 32 of the bill. Staffing and salary policies are currently subject to the approval of the Lieutenant Governor in Council.

8:50 p.m.

Mr. Mancini: Mr. Chairman, I do not have any objections to the amendment made by the minister. This is going to bring everything together in a more cohesive way and people will know what they are doing as far as staffing and setting up salaries are concerned.

The only thing I would like to mention relates to the fact that it refers to "such guidelines as may be established by the Management Board of Cabinet." Over the past year and even longer, we have seen that none of the ministers adhere to the guidelines established by the Management Board of Cabinet. Many cases have been brought up where the guidelines have been contravened and where no real explanation has been given as to why the guidelines were not followed.

If we are going to ask the Workers' Compensation Board to conduct its business as per these guidelines, I suggest to the members of cabinet they should lead the way in ensuring in the future that they conduct their own business as per the guidelines established by the Management Board of Cabinet, because we may run into trouble with some of these crown corporations. We may have had a problem with the Urban Transportation Development Corp. We do not want people jettisoning around the province spending taxpayers' money, establishing salaries and hiring consultants which in no way reflect the guidelines. We want the guidelines followed. That is why they are going to be in this bill.

I guess we can assume the minister will inform the chairman of the Workers' Compensation Board that some members of the House have raised these concerns and that in the annual reports we expect to receive statements from the executives of the board that they have adhered to all these guidelines. I do not want to embarrass any ministers who lately have not adhered to the guidelines. I would not want to mention anyone in particular, although there may be one or two here tonight whom I could point out.

Hon. Mr. Ramsay: Perhaps I can offer a quick clarification. As I understand it, the present circumstances—

Mr. Laughren: The minister's quick clarifications turn into filibusters.

Hon. Mr. Ramsay: I can never win. Either I talk too much or I talk too little; there is never any halfway point.

The amendment I have introduced basically adds the word "benefits" to the act; before it said "remuneration." We want "remuneration" and "benefits" in it.

Motion agreed to.

Section 25, as amended, agreed to.

Sections 29 to 31, inclusive, agreed to.

On section 32:

The Deputy Chairman: Hon. Mr. Ramsay moves that subsection 86b(3) of the act, as set out in section 32 of the bill, be struck out and the following substituted therefor:

"(3) The chairman of the appeals tribunal, subject to such guidelines as may be established by the Management Board of Cabinet and subject to the provisions of the Crown Employees Collective Bargaining Act, may establish job classifications, personnel classifications and ranges for remuneration and benefits for officers and employees of the appeals tribunal, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and ranges for remuneration and benefits so established by the chairman."

Mr. Lupusella: Mr. Chairman, unless I have a different act from the one from which the minister is reading, subsection 86b(3) is already printed in Bill 101. Is the minister reintroducing sections that have already been passed by the committee? This subsection is already printed in Bill 101.

The Deputy Chairman: I would ask the minister to respond. Maybe the member for Dovercourt could repeat his question.

Mr. Lupusella: Am I correct that subsection 86b(3) is already printed on page 22 of Bill 101? What is the difference between this section and the amendment being proposed by the minister?

Hon. Mr. Ramsay: I am sorry?

Mr. Lupusella: I was asking whether subsection 86b(3) was already printed on page 22 of the bill.

Hon. Mr. Ramsay: The change is from "salary" to "remuneration and benefits." I thought I made that clear on the last one. "Remuneration and benefits" replaces the word "salary."

Mr. Lupusella: I apologize for that, but I would like to remind the minister that I did not

receive a copy of the amendments he is introducing tonight. Maybe that is why there has been confusion. It is not our fault.

Hon. Mr. Ramsay: The government whip was bothering me.

Mr. Laughren: He bothers a lot of us.

Mr. Martel: We will call a quorum and he will have to bring in the government members.

The Deputy Chairman: We will ask the honourable whip to—really, I would like to give him a lecture on that one. There has to be some order around here. When a minister is involved with a piece of legislation, we would like to have him paying attention.

Mr. Laughren: Mr. Chairman, on a point of order: We would be happy to stand down the business of the House while you lecture the whip.

The Deputy Chairman: I was just doing that with great pleasure. Having started and ended that, is there anything further in this transaction, Minister?

Hon. Mr. Ramsay: No.

Motion agreed to.

9 p.m.

The Deputy Chairman: Mr. Lupusella moves that section 32 be amended by adding to the proposed subsection 86g(3) the words, "Nothing in this section shall diminish the right of a worker to appeal to the Ombudsman."

Mr. Lupusella: If one reads subsection 86g(3), it appears that our amendment may not seem to be appropriate because of the procedure already in place that any decision that goes before the new independent appeals tribunal can eventually be sent to the Ombudsman. This process will be used by many injured workers in the future.

We have moved this amendment in order to place the process into the law. Again, we do not want to leave it to the whim of the Workers' Compensation Board to implement policies. The law should be understood and in place and not left to the whim of the cabinet or the Workers' Compensation Board.

When we are dealing with the Workers' Compensation Board, we are dealing with a different set of rules. We are complicating the law because the board has the discretionary power to change policies at the whim of the government or the people sitting on the corporate board. We disagree with this approach. We must include whatever we can in the law to make it more clear and more readily understood by ordinary citizens, and in particular by the ordinary workers in Ontario.

The Attorney General (Mr. McMurtry) was trying to simplify the judicial system by incorporating a small claims court action in which people could go to defend themselves. This is a simple act that would open doors to discretionary powers, which we enunciated in a different debate. The present Workers' Compensation Act leaves injured workers in limbo. They have to study a complicated set of policies spelled out on a regular basis by different meetings at the board level. Then they have to read the law, which is unclear because the final power is in the hands of the board. Then they appear before an appeal board, the new appeals tribunal or the independent medical review panel, but the board still has the power and the injured worker may receive only certain benefits under Bill 101.

When he appeals the issue before the board, the injured worker will be in a losing position. If he is able to convince the people sitting at the different levels of the appeals system, he might have a case that he can win; but if the people who are sitting, for example on the appeals tribunal, did not have a good sleep the night before, they might decide not to allow the appeal and the injured worker will lose. Why? Because the board will have the power to decide, because the law is not clear, because this type of law cannot be reached by the ordinary citizens of Ontario.

We understand the reasons and the interests behind this bill. Employers across Ontario, or the big corporations, are protected by the Progressive Conservative government, and even though this political message is not clearly spelled out in the bill, we understand the motivation and why the minister is so adamant not to change the discretionary power given to the board. That is the main reason. I think he should be condemned, not only by us but by all injured workers across Ontario.

We again make a simple request that our amendment pass. For a moment, the Minister of Labour should forget the interests he is protecting, those of the big employers, companies and corporations across Ontario, and should think about those of the injured workers, who are regular citizens.

Poor people do not understand the judicial system. When they appear before the board, it must have clear guidelines so it will say: "We have to give you this right. There is no sense in your appearing before us because it is an automatic process that the right be granted to you in the light of the principles spelled out in Bill 101."

As long as we leave discretionary power in the hands of the board, injured workers are wasting their time in the appeal system. If they had a nice sleep or took a Valium pill to have a nice rest, eventually they would win the appeal. As a result of Bill 101 and the discretionary power that is incorporated and is in the hands of the board, there is no way an injured worker will win the appeal or my friend the member for Nickel Belt will win the case.

Mr. Mancini: I have reviewed the amendment submitted by my friend the member for Dovercourt and I have looked at the bill. I do not find anything offensive about the amendment.

Mr. Laughren: I do.

Mr. Mancini: Does the member find offensive the amendment by a member of his party? I do not find anything offensive about it. However, I would like to point out that I think we are duplicating things because it is the right of the Ombudsman to review any final decision of any agency or any decision-making body of Ontario. It is his right to review a decision once he has been requested to do so.

It is not a question of putting this request into law. It is already in law. That is why we have the Ombudsman and why we let him spend \$5 million of our money a year. It is not just to catalogue all the complaints he gets, although sometimes we think that is all that is done with the money. He has that right under law. It is a simple, straightforward procedure. Once an agency of the government makes a final decision, the matter can be turned over to the Ombudsman.

Mr. Cooke: Thank God the Ombudsman is here; he can win the appeals the member loses.

Mr. Mancini: I lose few appeals. I probably win more appeals than some of the members of the New Democratic Party, particularly the ones from Windsor. I hear the member for Windsor-Riverside (Mr. Cooke) wins hardly a single appeal. He should be thrown out of office and a Liberal elected so that some of those injured workers can win some of the appeals.

Mr. Martel: The member's friend has not fought one in 11 years; the member who sits directly behind the member for Essex South.

Mr. Mancini: He is doing well. The member for Sudbury East should not worry about it.

As I was saying before I was so rudely interrupted by members of the New Democratic Party, the benefit the member spoke about is already in law. I have no objections to the member's amendment. It repeats what is already

in law. Those are my comments. I think I will have to vote against it.

9:10 p.m.

Mr. Laughren: Mr. Chairman, I have real problems with this amendment by my colleague for the simple reason I do not believe it goes far enough. My colleague's amendment states, "Nothing in this section shall diminish the right of a worker to appeal to the Ombudsman." I will support my colleague because he is my colleague and also because he is improving the section. However, I think it would not be asking too much to have added to the section "and that after every decision of the tribunal the worker must be informed in writing that he or she has the right to appeal to the Ombudsman."

My colleague the member for Dovercourt, who knows more about injured workers' problems than anybody else in the province, knows full well that a lot of injured workers are not aware of the niceties of the law. Therefore, while I support what my colleague has done, I would even go a step further and make it a requirement that the board inform every injured worker who loses that final stage of appeal that he or she has a right to appeal to the Ombudsman.

Hon. Mr. Ramsay: Mr. Chairman, perhaps I can add to the comments by the member for Essex South, because I agree completely with what he had to say. It is not necessary to specify a right of recourse to the Ombudsman in the Workers' Compensation Act since the Ombudsman's office is available to any resident of Ontario who has a grievance against an administrative tribunal's decision. The policies and procedures of the Ombudsman's office are clearly set out in the Ombudsman Act.

Mr. Martel: Mr. Chairman, let me say to the minister that when it goes to the review committee and the review committee denies the claimant's application for benefits, he is then advised in writing that he has the right to appeal and that this is the procedure for appealing.

What my colleagues are saying to the minister is that surely when a worker loses a case at the final appeal level, the Workers' Compensation Board should advise him, as it does after the review committee findings, that he has the right to take it to the Ombudsman and that it can be done in this way, this way or this way. That would ensure that a worker who loses—and many do not have representation when they go to an appeal—knows full well that, should he lose it at the final level of appeal, he has the right to take it to the Ombudsman. He should be notified, as is done with the review system now.

That is what my colleagues are saying. My colleague the member for Nickel Belt said he would have surpassed what my colleague the member for Dovercourt meant. If the minister does not want to write it down, surely it should be instituted as a policy at the board that the worker be advised that he can and should take this to the Ombudsman. That is not done at present.

Hon. Mr. Ramsay: It is certainly done in my office, because I handle a large volume—

Mr. Martel: I handle as many as you do, but you and I do not handle them all.

Hon. Mr. Ramsay: Wait a minute; hear me out, please. I am not referring to my constituency office versus the member's constituency office. Let me finish and I will get it all sorted out.

I am referring to my office on 400 University Avenue as Minister of Labour, and therefore I am not comparing my constituency office with the member's, with respect. I am sure he handles many more cases, because he does everything so much better than I do.

Mr. Martel: You are trying to disarm me now.

Mr. Laughren: He will be impossible to live with now.

Mr. Breagh: Take that back.

Hon. Mr. Ramsay: What I have been attempting to say is that in my office, where I do have dozens and dozens of inquiries from workers and from members of this Legislature seeking assistance, we have a policy that we always advise them of the role of the Ombudsman.

Mr. Laughren: I do not understand what the minister is saying. Is he saying the board does inform every injured worker who loses an appeal?

Mr. Martel: His office does.

Hon. Mr. Ramsay: My office.

Mr. Laughren: The minister's office, with all due respect, is not the one that makes the decision on the appeal—at least, I do not think it is—so I do not know what relevance that has to the debate at all.

The point we are trying to make is that when a worker loses the final level of appeal, he or she should be informed: "This is not the end of the world. If you are dissatisfied, write to the Ombudsman and have the Ombudsman take a look at it."

We all know the Ombudsman will not deal with a compensation problem unless it has gone through all the levels of appeal. All we are asking

is that along with the note that says you have lost your appeal there should be a statement that you now have an opportunity, if you so desire, to appeal to the Office of the Ombudsman. That is all. It is not a lot to ask.

Hon. Mr. Ramsay: Mr. Chairman, if I recall correctly, because I always hang on every word he says, the member for Sudbury East (Mr. Martel) mentioned that if this could not be written into the act, it could be policy. I will make a commitment this evening to see if it can be a policy with the board.

Mr. Chairman: We now have a motion before us. Does any other member wish to participate in the debate?

Mr. Mancini: Mr. Chairman, before you call for the motion, we have been assured the minister is going to instruct the Workers' Compensation Board that when a final decision is made it will include some kind of pamphlet or notice that workers have the right to appeal to the Ombudsman, which is then going to become another appeal level. That is okay, because the injured workers should have every chance possible to make a presentation on something as serious as their injuries. That is fine.

If that is going to be done, I am not so sure we need the amendment. I do not find the amendment offensive, but I do not think the Office of the Ombudsman is as great as some of us are trying to make it here tonight. If we want to add another 100 staff to the Ombudsman's office, that is fine, but I do not see any difference between these bureaucrats—and they are all bureaucrats at the Ombudsman's office—and the bureaucrats who work for the Minister of Labour or the bureaucrats who work for the WCB. I see them all pretty well in the same light.

I want to stress that I am not anxious to take away anyone's appeal right for another kick at the can. If the minister is going to instruct the board to inform these people they do have this right, then my friend the member for Sudbury East will not have to inform as many people as he does and neither I nor the minister will have to. It will all be done in a fine, uniform fashion. I have to go along with that.

I cannot accept, however, that we should try to pretend here tonight that by sending this over to the Office of the Ombudsman for a final kick at the can we are automatically going to see all kinds of great things in justice because they are all such wonderful experts at the Ombudsman's office.

Mr. Lupusella: Mr. Chairman, with the greatest respect, I feel compelled to clarify the

position of the honourable member. We cannot have it both ways. I do not pretend this amendment is the greatest, but I think the member did not understand our contention which is spelled out under this particular section.

The member is talking about increasing another bureaucracy on a different level. It has to be understood that the present system already allows injured workers to follow this route. We are not pro the increase of another bureaucracy. The bureaucracy is there. Injured workers have the right to go to this particular bureaucracy and to launch a complaint when they have exhausted the final stage of the appeals system.

What we are saying in this section is that something that is a matter of policy now should be incorporated within the principle of the law. I am trying to clarify the thoughts of the member for Essex South. I do not expect he will perceive the great value of this amendment because the member for Dovercourt placed it, but I think he has to understand the process. That process is in place and injured workers use it on a daily basis. We are only asking for legal recognition of something that is now part of the board's policy and is not part of the legal framework spelled out by Bill 101.

9:20 p.m.

Mr. Laughren: Mr. Chairman, I am concerned because I think we are witnessing here another act of—this time I would call it a filibuster of intransigence. All we are doing here is saying what is already a fact, namely, that workers can appeal to the Ombudsman after the final level of appeal, but those same workers should be told about that right.

I do not see anything in this amendment, or at least in what we are suggesting should be done, that should concern the minister. All we are saying is the right is already there for the workers, so for heaven's sake, let us tell them about it. Why would the minister keep a right such as that under a bushel basket? Why not let the light shine upon it? That is all we are saying.

I do not understand why the minister insists on sitting there in his stolid intransigence. He only rises to his feet to filibuster when he sees it will suit his purposes. There is nothing to prevent him from saying he believes the workers should be told about this right. The right is already there; for heaven's sake, tell them about it. That is all we are asking.

Hon. Mr. Ramsay: I indicated just a few moments ago I was prepared to accept the suggestion of the member for Sudbury East.

Mr. Laughren: I did not hear the minister say that.

Hon. Mr. Ramsay: I did. I said I hang on every word the member for Sudbury East says. I recall him saying, "If this cannot be written in the act, let us see if it can be policy at the board." I said that sounds like a good suggestion.

Most of the member's suggestions are good ones and that is why I picked up on it right away. I am prepared to follow along on that.

Mr. Lupusella: Mr. Chairman, I was planning to clarify the position of the member for Essex South; I think I have to clarify the position of the minister also.

Mr. Mancini: Mr. Chairman, on a point of order: I do not need another member of the House to clarify my position. If the member for Dovercourt has something to say for himself, by all means have him say whatever is on his mind, but he does not have to clarify my position.

Mr. Lupusella: The minister did not get the message from my amendment. I am trying to clarify the minister's position that although he is going to comply with the request by the member for Sudbury East, I want to remind him that these parts of the policy process are implemented by the board.

The Ombudsman Act gives an injured worker the right to follow this route. By accepting this amendment, the minister will be paralleling a principle of the law which has already been enacted and passed by the Legislature, that is, the Ombudsman Act.

The minister is talking about policies. I think he is using the wrong approach again.

The Deputy Chairman: All those in favour of Mr. Lupusella's amendment to subsection 86g(3) of the act, as set out in section 32 of the bill, will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Mr. Laughren: A point of order, Mr. Chairman.

The Deputy Chairman: I did not see anyone standing. It was not stacked.

Mr. Laughren: Mr. Chairman, I am raising a brand new point of order. Is it within the rules of this House that the minister can vote against an amendment that is already basically part of the act?

The Deputy Chairman: That does not need to be answered. We now proceed to another amendment.

Hon. Mr. Ramsay moved that section 86n of the act, as set out in section 32 of the bill, be struck out and the following substituted therefor:

"86n(1). Where a decision of the appeals tribunal turns upon an interpretation of the policy and general law of this act, the board of directors of the board may, in its discretion, review and determine the issue of interpretation of the policy and general law of this act and may direct the appeals tribunal to reconsider the matter in light of the determination of the board of directors.

"(2) Where the board of directors of the board in the exercise of its discretion under subsection (1) considers that a review is warranted, it shall either hold a hearing and afford the parties likely to be affected by its determination an opportunity to make oral and written submissions or it may dispense with a hearing if it permits the parties likely to be affected by its determination to make written submissions as the board may direct.

"(3) The board of directors of the board shall give its determination and direction, if any, under this section in writing, together with its reasons therefor.

"(4) Pending its determination, the board of directors of the board with respect to the decision that is the subject matter of the review may stay the enforcement or execution of the order made under the decision or may vacate the order if it has been implemented."

Hon. Mr. Ramsay: Mr. Chairman, during the proceedings in the standing committee, there was considerable discussion on those provisions of the bill which relate to the role and powers of the new appeals tribunal.

While I think it is fair to say the government's proposals were generally greeted with approval, there were some concerns expressed in regard to the possible exercise of the corporate board's powers under section 86n of the act to stay the enforcement or execution of an order of the appeals tribunal and to direct the tribunal to reconsider its decision.

While the board's powers under this section are confined to situations where the tribunal's decision turns on an interpretation of the policy and general law of the act, nevertheless it was argued the board could in effect overrule the new appeals body and thus possibly prejudice the latter's independence.

Of particular concern was the fact that this procedure could apparently occur in circumstances where the ability to make representations to the board was not explicitly contemplated and in the absence of any requirement being placed upon the board to justify its actions.

Having given careful consideration to the questions raised regarding the wording in section 86n as originally proposed, I have moved an amendment to that section which I believe will address the legitimate concerns expressed. The revised wording places a clear obligation on the board to render in writing its decision and any consequent order made under this section, together with its reasons.

In addition, subsection 86n(2) now explicitly recognizes the opportunity to make oral or written submissions as a possible alternative to a hearing, should the board determine that review of an appeals tribunal decision is warranted. The board's powers to review a decision of the appeals tribunal are confined, as before, only to situations where an interpretation of the policy and general law of the act is at issue.

At the same time, I am confident the revised wording will serve to enhance the protective features of the provision while still retaining its original intent.

Mr. Laughren: I think I might have supported the minister's amendment until he got into all his legalese at the end. We cannot support this amendment because the minister leaves one great big gaping hole at the beginning through which one could drive a feller-buncher.

Hon. Mr. Ashe: A who?

Mr. Laughren: A large truck. The minister then proceeds to try to patch it up in the rest of the amendment. The very beginning of the amendment reads, "Where a decision of the appeals tribunal turns upon an interpretation of the policy and general law of this act, the board of directors of the board may, in its discretion, review and determine the issue and interpretation of the policy...."

9:30 p.m.

If the appeals tribunal makes a decision that somehow is in conflict with the policy of the board, then this section says the board may review and make a determination of that issue. If the appeals tribunal that is out there is closer to the problems of the injured workers than is the board—I would think it is because it is dealing with those problems every day—and if the appeals tribunal feels there is a policy of the board that is contrary to the interests of injured workers and it makes a decision that is in conflict with the policy of the board, then I do not think the board has the discretion to say: "We will ignore that; we will ignore that appeal decision because it raises certain questions that bother us."

That is what bothers me. The minister leaves the word "may" at the beginning of the amendment so that anything else that follows is predicated upon the word "may." That is nonsense. The minister is not doing anything. He is accomplishing nothing, because the board can decide in its infinite wisdom that it will not make a review of that decision, which turns upon the policy of the board.

What kind of nonsense is that? He is kidding the troops. He should either change that word to "shall" or forget about the rest of his amendment; scrap the bloody amendment, because it does not mean anything as long as the word "may" is in it.

I would like to know whether the minister understands what I am saying, whether he sees why the rest of his amendment does not mean anything as long as he has the word "may" at the beginning. We tried to deal with this in the committee, and when I saw that the minister was moving an amendment to this section, I thought: "Eureka! The minister has seen the light and understands that this should not be discretionary." He has given the board enough discretionary powers all through this bill without adding to them here.

I would like to know from the minister whether he is prepared to make this change so that when the appeals tribunal makes a decision that is contrary to the existing policy of the board, the board then must—shall—make a determination and review the issue of the interpretation of the policy that the appeals tribunal's decision appeared to revoke. I would like to know whether the minister is prepared to make that kind of amendment before I continue with my brief remarks.

Hon. Mr. Ramsay: No, I am not.

The Deputy Chairman: Did you hear the answer?

Mr. Laughren: No. All I heard was "no." I did not hear the reason.

Hon. Mr. Ramsay: No reason.

Mr. Laughren: No reason? Then I guess the minister did not understand me. I will try again.

This section says that the appeals tribunal can make a decision, and it might be on an industrial disease, for example. Let me give an example that will be helpful. At the present time, if somebody who worked in the sintering plant in Sudbury gets lung cancer he must show he worked in that sintering plant for a period, and it is divided into a particular year. Before that year he must have worked there six months, I think.

Mr. Martel: Three.

Mr. Laughren: Three months. Another period of time is six months, I believe, there is a split period of time. The appeals tribunal may decide this worker has worked there only five months where the six-month rule applies and it may say: "We think this is a silly, arbitrary rule. How can you say that six months can cause cancer but five months would not, or that six months can cause cancer and five months and 28 days would not cause cancer in the sintering plant? We think that is a silly argument. We think this worker's spouse," as would usually be the case with a sintering plant, "should be awarded a pension because that worker was exposed to carcinogens at the sintering plant."

If that is the decision of the appeals tribunal, the minister is saying the board has no obligation to review it. It will just pretend that decision was not made. How can he consider that fair? Does he not think the appeals tribunal is making a statement to the board when it makes that kind of decision?

I think it is. I have used an example I am familiar with, but I am sure there are all sorts of examples other members here could use to tell the minister why, when the appeals tribunal makes a decision that runs contrary to the policy of the board, it is trying to tell the board something. If the board sits there and says, "We are not going to deal with this; it may be against the policy of the board, but we are going to let that decision stand and we are not going to review it," how is that fair?

The minister is saying to the appeals tribunal, "We will not accept messages from you, except when we decide to accept them." That is total nonsense. Once again, the minister is having the best of both worlds. When it suits the purposes of the Workers' Compensation Board and the Employers' Council on Workers' Compensation, the decision will be made in that regard.

Let me use another example. If a worker in the work place was exposed for seven months and the appeals tribunal turned the worker down, then the board would have the right to review the decision and say, "Maybe it should not be seven months." I agree I am giving the worst case scenario to make my point, but believe me, that is the kind of thing that can happen if the minister allows this section to stay the way it is now. I think that is fundamentally wrong.

Surely to goodness, it is not asking too much to have the board review the policy whenever the appeals tribunal makes a decision that is contrary to the policy of the board. It can work both for

and against the injured worker. I accept that fact. I am prepared to take that gamble on behalf of injured workers. The minister has now got it both ways and he is giving it both ways to the board. We think that is fundamentally wrong.

I ask the minister once again to change the word "may" to "shall." Then when a policy of the board is challenged by the appeals tribunal, the board of directors must review that decision and see what should be done and why that policy has been challenged by the appeals tribunal. The minister should remember it is an independent appeals tribunal.

The minister should say: "All right, this independent appeals tribunal has made a statement to us and the board. We should not ignore that statement. We should review it." The minister may end up not changing anything, but at least the decision will have been reviewed. The board has been forced to take a look at the policy that led the appeals tribunal to challenge it. I do not think that is at all unreasonable. I do not think it is asking too much of the minister or of the compensation board or of the people who fund the board. Will the minister not reconsider?

Hon. Mr. Ramsay: Mr. Chairmen, this matter was discussed at length at the committee stage. I made a commitment to look at it and I did so most sincerely. I feel I have come back with a very reasonable amendment. We are having the same argument that has been going on since we started this bill, that is, over the two words "may" and "shall." Wherever that has come up within the act, we have had a debate on it.

In compliance with the commitment I made to the standing committee on resources development that I would look at this matter, I have looked at it and I am not prepared to change the position I have outlined here this evening.

Mr. Laughren: With all due respect, we are not dealing with the same old argument over the words "may" and "shall." Every single time we get into a debate on "may" and "shall," it is in regard to a different principle. We have not been repetitive on this argument at all.

Hon. Mr. Ashe: Yes, the member has.

Mr. Laughren: I do not expect the Minister of Government Services to understand.

Mr. Martel: He does not know what he is talking about.

Mr. Laughren: What is even more scary is that he might understand.

Hon. Mr. Ashe: That is true.

Mr. Laughren: Ignorance is bliss in the minister's case.

Hon. Mr. Ashe: The member would know.

Mr. Laughren: Mr. Chairman, would you tell the Minister of Government Services not to be provocative? He is turning my crank.

The Deputy Chairman: I ask the minister to stop being provocative.

Interjections.

The Deputy Chairman: Order. The honourable member has the floor. Have you finished?

Mr. Laughren: I wish I was finished on this section.

Mr. Conway: You wish you were finished.

Mr. Laughren: I wish I were finished on this section. I thank the member for Renfrew North for correcting my grammar.

Mr. Martel: The leader of all Liberals.

Mr. Laughren: Yes, the leader of all Ontario Liberals.

Mr. Martel: All two of them.

9:40 p.m.

Mr. Laughren: I am disappointed in the performance of the minister during this debate. On the very amendments that would be the easiest for him to accept, he has looked the other way. By "easiest," I do not mean shucking off his responsibility; I mean amendments that would not cost money but simply bring some sanity to the bill. He has decided he is going to hold the line, no matter what arguments are put forth. He sits there in stolid silence and acknowledges the debate by saying he has decided not to change his mind and therefore is not going to accept our amendments.

We have accepted some of his amendments in the spirit of compromise, yet he is not willing to accept any number of amendments we put forth that are most reasonable. I would not think the minister would say this was an unreasonable amendment if we could get him to admit it. I do not believe he thinks it is unreasonable. It is simply an amendment that requires the board to look at policies that its own tribunal challenges. What is unreasonable about that? If it were me, I would want to look at it again.

Hon. Mr. Ramsay: Mr. Chairman, I will make one final attempt to clarify or sustain my position.

Honourable members should bear in mind that the corporate board will be tripartite in membership; it is to be the prime policymaking organ of the WCB. This body must have the discretion to choose whether it will review a particular policy or policy issue raised in the external appeals tribunal. This discretion is limited in subsection

86n(2) by the requirement for a hearing or for written representations about the policy issue to be reviewed. It would not be appropriate to require the corporate board to review every policy issue raised in the appeals tribunal.

Mr. Laughren: That is terribly misleading, because we are not saying everything raised in the appeals tribunal must be reviewed by the board.

Mr. Chairman: Order. The honourable member knows full well that word is not to be used in that context. Your exact words as I heard them were, "That is terribly misleading." You are referring to the minister's remarks; so I have to ask you to withdraw them.

Mr. Laughren: I am sorry. I will withdraw the word "terribly."

Mr. Barlow: He does not take offence at "terribly." It is the other word.

Mr. Laughren: I withdraw that. I did not even realize I had said it, Mr. Chairman.

It is very unfair for the minister to say the board does not want to challenge everything that is done by the appeals tribunal. That is really unfair. All we are saying is that the board should review the decisions of the appeals tribunal that are contrary to the existing policies of the board. What is unreasonable about that?

I would think that when the appeals tribunal makes a decision, it would be very much aware of the policies on which the board must base its decisions. It would only be in extreme cases that the tribunal would feel there was an injustice one way or the other and that the existing policy of the board would not allow it to make an appeals decision that was fair. That is the only time we would run into it. I would not think we would run into that very often, but when we do, it is terribly important that the board be required to review its policy. It may happen half a dozen times a year, if that.

Why would the minister not want the board to review those policies? If I were chairman of the board or even Minister of Labour—which my colleague the member for Dovercourt keeps telling me I will be some day; however, he has not cleared that with the member for Hamilton East (Mr. Mackenzie)—I would want to review those policies in my own self-interest, not just in the interest of injured workers. I would say to myself: "Wait a minute now. Here is a body that has decided it is going to challenge this. Even though it is dealing with our board and our policies, it has challenged this policy. Why not

review it then?" That is something that defies logic.

I am going to sit down and hope my colleague the member for Sudbury East can convince the minister. I know the minister hangs on his every word.

Mr. Martel: Mr. Chairman, my colleague said it could work the other way; it well could if the board would look at the appeal.

Just in the past week I wrote to the minister regarding a case of white-hand syndrome. On white-hand syndrome, the board has a stupid, obnoxious and dumb policy that is contrary to the present body of medical information. The present body of information from some of the world's leading medical experts indicates that white-hand syndrome can occur when a man is relatively young, but it does not manifest itself until the man ages. However, the board has this absolutely stupid criterion that says the worker has to be working in the work place for two years prior to the time he makes his application for benefits.

One of the world's leading experts is in the minister's office; I know that from talking to other doctors, such as Dr. Jim Nethercott at the occupational health centre. He tells me that one of the people in the minister's office is one of the two leading experts in the world. Jim Nethercott also tells me that in his discussions with one of the board's doctors he learned that the ageing process will make the problem manifest itself four, five, six or seven years down the line.

Somebody should review that policy. In my letter to the minister during the past week, I asked him to go to one of the leading experts and get the latest body of opinion. The Workers' Compensation Board knows it is wrong. The compensation board knows there is a body of medical opinion that is contrary to its current criteria for that disease. However, because of its bullheadedness, it will not budge one iota.

What my colleague is saying is that there has to be something that makes it mandatory for someone to look at something like that. Under the present system, that does not happen. Under the new system, despite the panel and despite everything the minister is saying, somebody has to make it mandatory—and it is going to become more relevant as we get into less accidents and more of the industrial diseases—that somebody has to take a look at the criteria in those areas of dispute. That has to happen not just when somebody decides willy-nilly, "Maybe I will look at it," but when there is a body of opinion that is contrary to the board's policy. At present,

nothing triggers it. Even under the new act, there is nothing that makes it mandatory to look at it. What we are saying to the minister is, "Make it mandatory."

Someone says every decision would have to be looked at. I do not know which bureaucrat wrote that for the minister, but whoever the hell sent that message in two minutes ago, I resent it and I hope the minister resents it, because it is stupid and it is the sort of attitude that prevails at the board. We are not suggesting that the board look at every decision; my colleague says that when it is contrary to board policy, there has to be something that makes it mandatory that it be examined. I hope the minister will not hang his hat on the silly little statement that was tied on the end: "We will have to look into everything that goes wrong with every appeal." That is silly, and anybody who writes that is silly.

That is part of the problem when one goes to the Workers' Compensation Board. Even when one can take new evidence from world-renowned medical experts, the board will hang fast to its position until some study paper is done. All we are asking the minister to do is to make it mandatory—not "maybe" but "shall"—so we can get the answer as quickly as possible to assist the afflicted worker as well as the board and the minister in order that it does not have to come across my desk and then on to the minister's desk.

The board should be out in the forefront looking for problems. I am afraid it never has, and I only have to remind the minister of Wilco. It never has been there feeding the Ministry of Labour with the information the Minister of Labour needs to do his job. If the board were in a foot race, the race would be over before it got started in some instances. They have all that body of information, but they never pass it on to anyone; they hoard and hide it and workers suffer the consequences of that.

9:50 p.m.

I say to the minister that he should make it mandatory that if a policy is wrong, it will be looked into. That is all. He is not going to have a whole lot of cases; it is only when one gets down to a point that somebody has got to look at it seriously. I want to tell the minister that has not happened during the life of this board without tremendous pressure, and we do not think we have to go through that. We do not think we should have to go through an Elliot Lake; we do not think we should have to go through a sintering plant in Sudbury; and we do not think we should have to go through a Johns-Manville.

Something should be mandatory to make them look at it. That is all we are asking.

Hon. Mr. Ramsay: I have perhaps two points. I truly regret that the member found it necessary to make some inflammatory remarks about a member of my personal staff for whom I have the highest of regard and who is a most dedicated and competent individual.

Mr. Martel: Then he should not have sent silly notes in.

Mr. Chairman: The minister has the floor.

Hon. Mr. Ramsay: The other point I would like to make to the member is that he has lost sight of the fact that the industrial disease standards panel will have responsibility for reviewing board criteria in the matters he has discussed.

Mr. Lupusella: Mr. Chairman, I would like to remind the member for Sudbury East not to lose his temper, because he will be wasting his time. He will not be able to convince the minister to change his mind, and he is aware of that, although he has been very constructive in his criticism.

The member for Nickel Belt has been trying to be very convincing about the argument that has been made so many times today about the use of the word "may" instead of the word "shall." The minister might easily say we have been repetitive and we argued this issue so many times today, but the use of this word in different sections has widespread implications of which I am sure the minister is aware. He does not want to admit he is wrong. I am convinced we have been trying to be very constructive in suggesting amendments to the bill. We want to smooth the bureaucracy that exists at the board level, and under Bill 101, we are going to be faced with another bureaucracy.

I would like to use another example which might enlighten the minister in relation to what we are talking about. We know for a fact that the board is there to set up policies and to interpret the content of this legislation or the old legislation. In the Workers' Compensation Act there are obscure notes about the law, and then the policy clarifies the law that will be passed under Bill 101.

On the issue of commutation, and I think this argument has been made, when an injured worker has been assessed as a result of the clinical rating system by the pension department and the injured worker is asking for a commutation of his or her pension—let us talk about commutation when the injured person has to pay a mortgage on his or her house—one of the criteria

which the injured person has to meet is that the commutation will be allowed by the board in the case where the injured worker is on the verge of losing his or her house.

As far as I am concerned, that policy is wrong. If the minister accepts our amendment to change "may" to "shall," the independent tribunal can take a look and say, "There is no part of the present Workers' Compensation Act that spells out the principle that commutation should be given to an injured worker to pay his or her mortgage, and there is no clear indication in law that the injured person has to lose his or her house before commutation is accepted by the Workers' Compensation Board."

How many times and for how long are injured workers supposed to lose appeal after appeal in which the request for commutation is denied because they have to demonstrate they are on the verge of losing their houses and that there is no way they can pay off the existing mortgages?

I gave to the minister, and I brought to the attention of the board's representative, a clear example of an injured worker who was supposed to renew a mortgage and the WCB did not accept the request for commutation of his pension. He was seeking money from financial institutions to pay off the mortgage. He applied to the board to get commutation of his partial pension. The request was denied. What was the basis? It was because the person was not on the verge of losing his house. It is a wrong policy. Thousands and thousands of injured workers have lost their cases before the appeal system because of that wrong policy.

If we make it mandatory that this policy be an issue or dispute which an independent tribunal has to review, as far as I am concerned there is no principle in the new act that spells out that the injured person has to lose his house before getting commutation to deal with his mortgage payments.

I do not want to talk about the other criteria that are combined with that principle. As far as I understand that principle, even the other criteria are completely wrong and do not really reflect the principle spelled out in the act.

We have tried to be very constructive. We have debated this issue. We have given examples to the minister. We have brought the problems to the attention of the board's representatives. I do not know how long this policy about commutation has been in place. The board does not have any recollection about how many people have lost their cases when their requests for commutation were denied. The history is that injured

workers are suffering the consequences of something that is socially wrong.

They are not asking for extra money. They are asking for something that is within the principle of their pensions and that has been recognized by the board. We are not talking about increasing their pensions. We are asking that an injured worker, if he so desires, have the right to get the pension in the form of commutation to pay off the mortgage on his house.

If we make it mandatory by changing "may" to "shall," there is a mechanism within the structure that reviews the policy made by the corporate board; and if there is something wrong, at least the mechanism makes sure it gives the message to the corporate board that the policy must be reviewed because it contravenes the principle of the old or the new act.

10 p.m.

If the minister is questioning that we have not been constructive on recommendations that will enrich the present act as a form of this type of amendment, I think he got the wrong message. He made up his mind on different issues and introduced his own amendments, which he thinks are the best amendments. He is not willing to listen to the opposition at all.

Mr. Chairman: Shall Mr. Ramsay's amendment to subsection 86n(1) of the act as set out in section 32 of the bill carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Vote stacked.

Mr. Chairman: Mr. Lupusella moves that subsection 86n(2) of the act as set out in section 32 of the bill be amended by replacing the words "may, in its discretion" with the word "shall."

Mr. Lupusella: Mr. Chairman, I would like to remind the minister that he has to visualize a hypothetical situation which might be true some day. Let us pretend that the member for Nickel Belt will be the Minister of Labour some day and he will say this is a housekeeping amendment which should be supported.

Mr. Chairman: All those in favour of Mr. Lupusella's amendment to section 32 will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Chairman: Hon. Mr. Ramsay moves that subsection 86p(5) of the act as set out in

section 32 of the bill be struck out and the following substituted therefor:

"The chairman of the board, subject to such guidelines as may be established by Management Board of Cabinet and subject to the provisions of the Crown Employees Collective Bargaining Act, may establish job classifications, personnel qualifications and ranges for remuneration and benefits for officers and employees of the panel, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and ranges for remuneration and benefits so established by the chairman."

Hon. Mr. Ramsay: Mr. Chairman, the same explanation applies here as for the amendments that I moved earlier to sections 32 and 25.

Mr. Laughren: Mr. Chairman, in the hope that we will be regarded as a model for the Minister of Labour, in the spirit of co-operation we will agree with the amendment put forth by the minister. We can only hope—we cannot hold him to any kind of arrangement—that he will understand and support our amendments as we go through the rest of this bill.

Mr. Haggerty: Mr. Chairman, did I understand the minister in his amendment to leave out the word "salary"? Am I correct?

Hon. Mr. Ramsay: That is correct. We replaced it with "remuneration and benefits." We wanted to get in the benefits.

Mr. Haggerty: I did not hear that part.

Hon. Mr. Ramsay: Yes, it is in there.

Motion agreed to.

Mr. Haggerty: Are we going down to subsection 6 or 7?

Mr. Chairman: We are at 86p.

Mr. Lupusella moves the proposed sections 86q and 86r as set out in section 32 of the bill be amended by replacing the words "Minister of Labour" with the words "Attorney General."

Mr. Lupusella: Mr. Chairman, I will be relatively—

Mr. Haggerty: Mr. Chairman, on a point of order: I want to direct a question to the minister on subsection 86p(7).

Mr. Chairman: Where does the member wish to make comment?

Mr. Haggerty: I do not know. That is what I have in my book. You jumped about four or five—

Mr. Chairman: We are at section 32.

Mr. Lupusella: Mr. Chairman, I think the member would like to make a few comments on subsection 86h(7). Am I correct?

Mr. Haggerty: On subsection 86p(7).

Mr. Wildman: Have we passed that?

Mr. Chairman: No.

Mr. Haggerty: Mr. Chairman, I want to direct a question to the minister. I mentioned it when we were discussing the beginning of the act on second reading. I was concerned about subsection 86p(1), which says, "There is hereby constituted a panel to be known as an industrial disease standards panel."

In clause 86p(7)(a), it says, "To investigate possible industrial diseases," and in 86p(7)(b), "To make findings as to whether a probable connection exists between a disease and an industrial process, trade or occupation."

At the beginning of the bill, subsection 1(5) says, "Any of the diseases mentioned in schedule 3 or 4." I do not have a copy of the Workers' Compensation Act before me, but all I find in the old act is schedule 3.

What are we looking at in schedule 4? What are we talking about? Are we talking about new industrial diseases that will be defined by regulation or what? I would like to know that.

Hon. Mr. Ramsay: With respect, I am not quite sure what the member for Erie is trying to get at in his question.

Mr. Haggerty: There is a schedule 3 for industrial diseases in the Workers' Compensation Act. It could be benzene, carbon monoxide, nickel, carbonyl—there is a lot of lead in that—which are already defined.

However, I do not see any schedule 4. The minister must be proposing something new in this bill. I would like to know what he is proposing in schedule 4. Are we looking at new industrial diseases? Are we looking at chronic bronchitis, for example, which is not in the old act? Are we looking at other areas which are not defined in "respiratory diseases"?

10:10 p.m.

Hon. Mr. Ramsay: Mr. Chairman, I believe I can respond to the member. This is a new panel. It is going to be composed of "not more than nine persons, including persons representative of the public and scientific communities, as well as technical and professional persons." I am reading that right from the act because I think it is very important.

It is open-ended. The matters that will be referred to it relative to industrial disease are unlimited. This is one of the really bright features of the new act and the new administration at the board. It is something that is overdue and something that will be very productive. We will

have a group of experts who will be able to look at just about anything that is referred to them, and they will have the opportunity to seek outside help as well.

Mr. Haggerty: Mr. Chairman, the minister probably has the information I am looking for. I am looking at section 86p, in which we are talking about setting up an industrial disease standards panel. I am relating it to the section of the act that says, "any of the diseases mentioned in schedule 3 or 4." Under the old act schedule 4 is not mentioned, so the minister must be setting up another category. That is correct?

Hon. Mr. Ramsay: Yes. That is correct. There is another category and there will be diseases that will be specified by regulation under schedule 4.

Mr. Haggerty: That is what I was concerned about. Under the old act there is no mention of chronic bronchitis, which is a respiratory disease. There is nothing there that says one could have cancer of the larynx, but if one has cancer of the tonsils it is not included. What begins first? Where does it start? If it starts in the tonsils and develops further in the larynx, it is not covered under the act. A number of case studies have been done showing this development does take place.

One can have a certain type of cancer that may affect the lungs and it will travel through the whole system. It may end up in the liver or the kidneys. It is not covered under the act, and yet it is a type of cancer that spreads and is not confined to one particular area.

This has caused enough problems at the Workers' Compensation Board and in determinations by the medical profession. Some will argue that one cannot draw a line between the two. If it starts in the tonsils, it will no doubt go to the larynx. I would like to see something put in the bill or done in the regulations about this.

That is one of the faults I find with the legislation we have. We can pass a section of the bill saying, "Yes, the intent is good," but we never see the regulations until the final results, and that may come two or three years down the road before we understand the full intent of this disease panel.

During the minister's estimates I mentioned the Dupré commission report on asbestos. There is an expert at the Workers' Compensation Board who has drawn his conclusions from the report, and he is just about saying, "It is nothing but a whitewash." All three of the commissioners have reviewed the problems of asbestos over a number

of years, and he says, "I cannot accept their recommendations."

One can look to someplace in Europe and pick out an expert there who says one thing and then pick out somebody else in the United States who says something else. We really are not resolving the problem at all when we have to have someone make an appeal in which one can have these things pulled out of mid-air and say that because this person says it, it does not apply under the Workers' Compensation Act.

The minister should be defining this now. The intent of the new act is to define some of this right now without causing long delays and appeals. I would like to see something tonight on that.

Hon. Mr. Ramsay: Mr. Chairman, they will be defined by regulation, and the regulation comes long after the act. We will try to do it just as expeditiously as possible and we will certainly take into consideration what the honourable member has had to say.

Mr. Lupusella: Mr. Chairman, I moved an amendment.

Mr. Chairman: It has been moved. This was on sections 86q and 86r?

Mr. Lupusella: It is to replace the words "Minister of Labour" with the words "Attorney General."

I have nothing else to add beyond telling the minister that my Minister of Labour, the member for Nickel Belt, would say on moving this amendment that it is in line with the principle of housekeeping amendments and the principle of conflict of interest. That is why we are particularly concerned in moving this specific amendment.

Mr. Laughren: Mr. Chairman, I would like to thank the future chairman of the Workers' Compensation Board for his kind remarks. My colleague the member for Dovercourt has moved this amendment because we do not believe that an arm's-length relationship exists between the Ministry of Labour and the Workers' Compensation Board. I believe there is ample evidence of that as the minister sits at his place defending the policies of the Workers' Compensation Board.

It has nothing to do with my fervent hope that the Attorney General will become the next leader of the Ontario Conservative Party. I will not get involved in the internal politics of the governing party of this province. But I do believe that if we used the model of the community legal clinics, we would have independent bodies there that could look after the interests of workers, namely, worker advisers or employer advisers, whichever the case may be. There is an advantage in both

cases, whether it be a worker adviser or an employer adviser, in having a greater distance between the board and the worker advisers or the employer advisers.

We simply do not think it is appropriate to have them work for the Ministry of Labour. I have never seen the minister attempt to put distance between himself and the Workers' Compensation Board, and that is why, in order to—

Mr. Chairman: May we inquire whether the member expects his comments to be very long?

Mr. Laughren: I will close my remarks simply by saying we did this because we wanted a greater arm's-length distance between the worker and employer advisers and the Workers' Compensation Board. We think that is in everyone's best interests, and that is why we have moved this amendment.

Mr. Chairman: All those in favour of Mr. Lupusella's amendment to sections 86q and 86r will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Chairman: Can we carry sections 33 to 36? The next amendment is to section 37.

We have an agreement. It is 10:15.

10:27 p.m.

The committee divided on Mr. Lupusella's amendment to section 28, which was negated on the following vote:

Ayes 28; nays 47.

Section 28 agreed to.

On section 32:

The committee divided on Hon. Mr. Ramsay's amendment to section 86n of the act, which was agreed to on the same vote reversed.

The committee divided on Mr. Lupusella's amendment to subsection 86n(2) of the act, which was negated on the following vote:

Ayes 17; nays 58.

The committee divided on Mr. Lupusella's amendments to sections 86q and 86r of the act, which were negated on the following vote:

Ayes 28; nays 47.

Section 32, as amended, agreed to.

On motion by Hon. Mr. Wells, the committee reported progress.

BUSINESS OF THE HOUSE

Hon. Mr. Wells: Mr. Speaker, I thought I might remind the House that tomorrow afternoon

we will not be continuing with this bill, but we will be dealing with the Liberal no-confidence motion in the name of the member for Renfrew North (Mr. Conway), which he will have the pleasure of reading tomorrow, with a division at 5:50 p.m. In the evening, we will deal with third

readings of Bills 77, 93, 109, 145, 149, 147 and 119, followed by second reading and committee of the whole of Bill 138.

The House adjourned at 10:30 p.m.

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Fourth Session, 32nd Parliament

Tuesday, December 11, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 11, 1984

The House met at 2 p.m.

Prayers.

STATEMENTS BY THE MINISTRY

MARKETING OF GOVERNMENT PROPERTY

Hon. Mr. Ashe: Mr. Speaker, the Ministry of Government Services is engaged in a continuing program to market actively a variety of properties that are no longer required by the government. Cabinet recently endorsed this major, accelerated, real estate marketing program.

This real estate initiative is designed to take economic advantage of underutilized or surplus properties through sales or other means to reduce costs and to generate revenue.

Mr. Conway: It just means the Minister of Municipal Affairs and Housing (Mr. Bennett) was right. The government should never have bought the stuff in the first place.

Hon. Mr. Ashe: It means, as usual, that the member does not know what he is talking about. Why does he not sit down and be quiet?

Mr. Speaker: Order.

Mr. Conway: The Minister of Municipal Affairs and Housing was right.

Hon. Mr. Ashe: What a big mouth over there.

Mr. Speaker: Order.

Interjections.

Hon. Mr. Ashe: If the honourable member would listen, he might learn something he obviously is not aware of.

Mr. Bradley: Very unlikely.

Hon. Mr. Ashe: That is true. It would be something different.

Mr. Speaker: Order. Now for the statement.

Hon. Mr. Ashe: An example of this initiative is the recently announced plan to sell properties at the southwest corner of University Avenue and Dundas Street. These properties are functionally unsuitable for government accommodation and can best serve this government by generating revenue to meet other priorities.

Moreover, I would like to point out that the Ministry of Government Services has been very active for some years in assisting government

ministries or parts of ministries to relocate out of downtown Toronto. Relocations of the Ministry of Correctional Services, the Ministry of Revenue and the Ontario health insurance plan head-office function of the Ministry of Health are three such examples.

I am pleased to report that my ministry is now able to link our real estate sales program and the decentralization process in a major relocation. With the concurrence and support of my colleague the Solicitor General (Mr. G. W. Taylor), I wish to announce the relocation of the general headquarters of the Ontario Provincial Police from downtown Toronto to new facilities to be constructed on the site of the Provincial Police Academy in Brampton.

For some time now, my colleague has impressed on the government the need to consolidate the activities of the OPP headquarters. After intensive analysis of the functions and the future requirements, it has been decided to decentralize this particular major consolidation.

Currently, the general headquarters of the Ontario Provincial Police is spread across four separate buildings in Toronto's harbourfront area. Relocation to the site of the Provincial Police Academy in Brampton will consolidate these activities and will facilitate communication and improve administrative efficiency within the headquarters. I should point out that the police academy itself is functionally a part of the general headquarters operation.

At the same time, the new facilities will be designed to satisfy current requirements which are not now being accommodated. Provision will be made in the new structure for the continuing introduction of modern communication and office technology.

This project successfully blends our decentralization process and real estate management initiatives. Proceeds from the eventual disposition of the OPP sites on the harbourfront will offset a significant portion of the new construction costs in Brampton. At the same time, the new OPP headquarters can be situated more satisfactorily from an administrative point of view and more economically on less costly land the province already owns. When completed,

this project will result in the relocation of more than 700 staff positions associated with the current OPP Toronto headquarters.

Project planning work has already begun and will now be accelerated to develop the detailed requirements for this project. A master development plan will be designed for the Provincial Police Academy site to ensure that the new buildings are integrated with the existing facilities and that consideration is given to the future requirements of the academy.

The complexity and scope of this project will demand careful planning and execution over a significant time period. Construction, which by itself will take almost two years, must be based on design and contract documents that satisfy the specific requirements of the OPP. Both the Solicitor General and I look forward to a high level of co-operation between our ministries in the development of this very important new OPP headquarters building.

ABSENCE OF PREMIER

Mr. McClellan: Mr. Speaker, on a point of privilege: Yesterday during question period the Minister of Government Services (Mr. Ashe) attributed statements to the Premier (Mr. Davis) which are totally at variance with the Premier's stated positions. That is not my point of privilege.

My point of privilege, and I mean this quite sincerely, has to do with the ongoing absence of the Premier during question period. I do not know how we are supposed to get a clarification of government policy on a major public issue when the Premier does not attend question period. Perhaps the government House leader knows how we are supposed to clear up a contradiction between a minister and the Premier.

Interjections.

Mr. Speaker: Order. I would like to point out, as the member probably well knows, that is hardly a point of privilege. I am not responsible for the attendance of anybody in this House and have no idea who is or who is not going to be here.

RELOCATION OF OPP

Hon. G. W. Taylor: Mr. Speaker, on behalf of the Ministry of the Solicitor General, and especially the Ontario Provincial Police, I can say we are delighted with today's announcement by the Minister of Government Services (Mr. Ashe).

The Brampton site is ideally suited to the purposes of the OPP as the force continues to deal

with the complex problems of modern-day policing. The site will provide more-convenient access to and from other field units throughout the province, as well as the vast majority of other police agencies. Highway access will be improved considerably for all other Ontario forces and for the various OPP districts, since they will be able to avoid the congestion related to the existing downtown location.

2:10 p.m.

During the planning phase, efforts will be made to capture the maximum potential benefit from consolidation and relocation. We will be working with the Ministry of Government Services to ensure that all special requirements of the police building are met, including security, communication and controlled access.

I am sure all honourable members can see the advantage of having the general headquarters and training complex finally integrated into the same site. As my colleague the Minister of Government Services has said, centralizing the general headquarters from four different buildings located at present in downtown Toronto can only make for a more efficient operation. The 98-acre site in Brampton is more than sufficient to accommodate the needs of the OPP.

It is particularly appropriate that the announcement should be made at this time during the 75th anniversary of the OPP. The citizens of Ontario have reason to be proud of their provincial police force. From a deployed force of 51 men in 1909, it has grown to a force of more than 5,400 today. I am sure members will agree it has played a significant role in maintaining a safe and civilized Ontario.

The Brampton facility will help the OPP meet the challenges of the future and continue its reputation as one of the finest police forces in the world.

TELEVISION IN LEGISLATURE

Mr. Bradley: Mr. Speaker, on a brief point of order: I want to bring to the attention of members of the assembly that those of us who have been in favour of full electronic Hansard televising of proceedings in the House now have the results of the discussions that took place in the press gallery. We have the endorsement of the press gallery, based on the cameras being left up there. I thought you would like to know that.

Mr. Speaker: Order. I have already been made aware of that. Thank you very much. That is hardly a point of order.

ORAL QUESTIONS

FOREIGN OWNERSHIP

Mr. Peterson: That just shows what a progressive gallery we have, Mr. Speaker. Are you sure there is no one else over there who wants to take credit for the police building? If anyone else wants to make a statement, we would be happy.

Mr. Speaker, I have a question for the Minister of Industry and Trade. The minister will no doubt be aware by now of the speech by the Prime Minister last night to a sold-out crowd in New York, saying that Canada is now open for business again.

Mr. Havrot: It was a very good speech.

Mr. Conway: It was a selling-out speech.

Mr. Speaker: Order.

Mr. Peterson: He will be aware that the federal minister responsible for the new plans, Sinclair Stevens, said in an editorial board meeting with the Ottawa Citizen yesterday that several foreign aircraft firms were interested in purchasing Canadair and de Havilland and that a deal may be reached in the very near future. He will recall his own statements that de Havilland was vital to Ontario's interest and that he had offered to put up provincial moneys to keep those jobs and that company in Ontario.

Mr. Speaker: Question, please.

Mr. Peterson: He is also aware that the Treasurer (Mr. Grossman) said Ontario will not put money into that company.

What is the minister doing to keep that company in Canadian hands? What is he doing to protect those jobs in Canada?

Hon. F. S. Miller: Mr. Speaker, I am keeping in very close touch with my federal colleagues.

Mr. Elston: They say everything is for sale.

Mr. Speaker: Order.

Mr. Peterson: Does the minister agree with his federal colleague and with the Prime Minister that everything in Ontario is for sale? Is the minister standing up and protecting Ontario jobs? What is he doing about the rumours now abounding that Massey-Ferguson may be sold to Allis-Chalmers? What is he going to do when they rationalize those jobs out of Ontario? What is he doing to stand up and protect our interests and Ontario jobs?

Hon. F. S. Miller: I have a lot more faith in the future and in the leadership of this province than the honourable member has ever evidenced.

All he has ever talked about is the problems in Ontario.

Interjections.

Hon. F. S. Miller: I would ask my honourable friends to be quiet.

Mr. Speaker: Order.

Hon. F. S. Miller: After I go around this world and look back at Canada, I see it through foreign eyes. I see our country as a province and a nation of opportunity. All he sees and all his party has ever seen is trouble. That is why they are in opposition.

Mr. Elston: Opportunity with a for-sale sign on it.

Mr. Kerrio: The 51st state.

Mr. Speaker: Order.

Mr. Philip: Mr. Speaker, is the minister not concerned that there is more foreign ownership in this country than in any other country in the western democracies and that there are more plant closings by foreign-owned companies than by domestically owned companies?

Is he not concerned that the previous plan by the previous Conservative government related to de Havilland would have meant a major move and loss of jobs for workers in this province as a sacrifice to another province and indeed to another country?

Hon. F. S. Miller: Mr. Speaker, I do not know whether the Leader of the Opposition (Mr. Peterson) and the critic from the third party read the Prime Minister's comments the way I did. I understood him to say there were no restrictions on new investments by foreigners in this province. However, I also understood him to say there were reviews of purchases of existing companies that were in excess of \$5 million.

Therefore, he is doing the opposite of what both members are implying. He is welcoming investment here, recognizing that newly developing nations such as our own around the world have always had to depend on foreign investment. At the same time, the Prime Minister recognizes that, if possible, we must protect existing Canadian-owned companies from being taken over.

Mr. Peterson: It is quite obvious the minister has no policy. What is more disturbing is that he is not prepared to stand up for our interests.

Mr. Speaker: Question, please.

Mr. Peterson: How does the minister respond to the comments of the Barrie-area federal MPs, Doug Lewis and Ron Stewart, who said the problem with the Black and Decker deal is that

the Foreign Investment Review Agency was not tough enough and FIRA should have protected those jobs? They are looking to federal leadership to protect those jobs in Ontario.

When is the minister going to stand up to protect jobs? Does he not feel we have to protect jobs and keep ownership here? If we do allow foreign takeovers, we have to have very stringent requirements to keep the jobs in Ontario and not have them taken to the United States by being rationalized as they were in the case of Black and Decker.

Hon. F. S. Miller: For the information of the member, the Ford Motor Co., which is a foreign-owned company, has put 13.6 per cent of its capital investment in Canada in the last five years, although only 8.8 per cent of its market is here. Why is it putting that investment in Canada? Currently, that company can make cars better and cheaper in Canada. That is the one and only way we will protect jobs in Canada.

Mr. Peterson: The minister is saying he has no policy, does not care and is not going to stand up and fight.

Mr. Speaker: Question, please.

Mr. Peterson: The minister will live to regret those words.

CULTURAL POLICY

Mr. Peterson: Mr. Speaker, I have a question for the Minister of Citizenship and Culture with respect to the new policies enunciated in New York last night by the Prime Minister.

As sensitive as I am sure the minister is to the culture industry in this province and to the fact that in the past we have taken stringent measures to protect our cultural identity, what discussions has she had with the Prime Minister to make sure that policy does not change? What input has she given from the Ontario government's point of view to make sure we maintain our cultural identity and are not swamped by foreign or United States culture crossing our borders?

Specifically, what moves has the minister made to protect our publishing, broadcasting and magazine industries in this province to make sure they do not come under unfair competition from the United States?

Hon. Ms. Fish: Mr. Speaker, my discussions have been with my federal counterpart, the Honourable Mr. Masse. As the minister responsible, he shares my concern, just as I think all members of this House have a concern, about protecting the cultural industries of this country

for continued development of the Canadian cultural identity.

I was very pleased that specific exemption and exception was made in the statements respecting the changed rules for investment in Canada to ensure that continued scrutiny would be applied to cultural industries and possible takeovers in the cultural area.

2:20 p.m.

Mr. Peterson: Given the new spirit of co-operation the minister has been talking about, presumably from discussing the interests of this province with the federal minister, what discussions has she had to protect the interests of Ontario viewers with respect to the Canadian Broadcasting Corp. cutbacks? I understand the president of the CBC will be announcing the cutbacks today or shortly.

What is the minister doing to protect the markets in Ontario, particularly in places such as Windsor that have only one channel and the northern Ontario areas that frequently have access to only one television channel? What case did she put forward to make sure our viewers are not cheated?

Hon. Ms. Fish: I am not aware of the final proposals from the CBC about any changes in its programming or staffing. The CBC and Mr. Masse share our concern for the CBC's role in providing entertainment, education and opportunities to appreciate Canadian culture across not only this province but also this country. The minister will have further discussions with the officials of the CBC in that regard.

Mr. Foulds: Mr. Speaker, will the minister tell us whether she sought ironclad guarantees from the federal minister that cultural industries such as book publishing would not be subject to indirect takeovers, which is a very dangerous method of taking over a major part of our industry in Ontario? Second, what assurance can she give us that she will fight very hard to reverse the cutbacks that have already been announced, for example in the northwestern Ontario regional radio network of the CBC, which will curtail service to an already underserved area of our province?

Hon. Ms. Fish: Mr. Speaker, I have already indicated that the discussions on the matter of takeovers were extensive and that specific exemptions were made to the proposed change in the policy to provide for careful scrutiny and review in the area of possible cultural takeovers.

Mr. Wrye: Mr. Speaker, surely the minister is aware that the CBC is today announcing cutbacks

which in my community of Windsor will cut back the amount of money available to television by 25 per cent. It will cost more than 40 jobs in a community with a high unemployment level; and most important, in a border community that is inundated with American culture, it will cut back local programming to nothing but news from Monday to Friday.

Mr. Speaker: Question, please.

Mr. Wrye: Does the minister consider that acceptable? If she does not, specifically what representations has she made to Mr. Masse, who is well aware of these proposals?

Hon. Ms. Fish: Mr. Speaker, I reiterate, I have not seen his specific proposals.

Mr. Elston: So much for the new consultation.

Mr. Wrye: How does the minister find out what is going on?

Hon. Ms. Fish: They are being presented in the first instance, properly, to the federal minister—

Hon. Miss Stephenson: They were Juneau's proposals.

Mr. Martel: The minister cannot blame it on Juneau.

Hon. Ms. Fish: —who will be engaged in continuing discussions with officials at the CBC. That is the appropriate venue for discussion.

Mr. Wrye: The minister's consultation is about cream in the coffee.

Interjections.

Mr. Speaker: Order. I want to say I am not prepared to put up with this disorder much longer. If it persists, I will recess.

DIVERSION OF GREAT LAKES WATER

Mr. Laughren: Mr. Speaker, in the inexplicable continued absence of the Premier (Mr. Davis), I have a question for the Minister of Natural Resources concerning the very important issue of diversion of water from the Great Lakes. I am sure the minister recalls a speech he made to the International Joint Commission in June 1983, when he said:

"We are opposed to any additional direct or indirect diversion of waters from the Great Lakes system." This is an important part of his speech. "There is scarcely a person in Ontario who does not have a direct interest in the preservation of the Great Lakes system and in the possibility of further diversion of Great Lakes waters. For this process to be fully legitimate within our systems of government, I believe it is important that the

public at large be informed and involved in its deliberations."

Mr. Speaker: Question.

Mr. Laughren: Is it not true that ever since last spring monthly meetings have been held between three different ministries of this government and the United States Great Lakes border states, that this government has attended those meetings and that a Great Lakes charter has been prepared to authorize and monitor diversion from the Great Lakes? Why have the minister, the Premier, the Minister of the Environment (Mr. Brandt) and the Minister of Intergovernmental Affairs (Mr. Wells) been so silent on this very important matter?

Mr. Speaker: Before the minister starts, I am going to ask the co-operation of those members who are carrying on private business in the House to take their seats, please. Thank you.

Hon. Mr. Pope: Mr. Speaker, as members are aware, we held a Great Lakes water conference in this province late last spring or early summer at which representatives of various provincial governments and organizations, the federal government, American states, the American federal government and interest groups from both sides of the border were present and discussed a number of issues with respect to Great Lakes water quantity issues. In addition, we published a water atlas and the proceedings of this conference and distributed them to all those interest groups and to the public generally.

There have also been public meetings of Great Lakes area governors and midwest governors in the past year at which similar interests have been represented in both the United States and Canada. These have also been reported extensively by the media of this province.

The discussions that are now under way result from a declaration made at Mackinac Island in 1982 by the Premier, representatives of the government of Quebec, federal government representatives, a number of Great Lakes states representatives and federal American government representatives, that we were opposed to diversions and interbasin transfers and wanted to formalize that issue by a consensus among the state governments before we took it to our national governments. These discussions are an ongoing continuation of that general principle declared at Mackinac Island.

Mr. Laughren: It is remarkable that the minister would say that when this Great Lakes charter authorizes the diversion of water from the

Great Lakes. I have the charter right here, as a matter of fact.

Mr. Speaker: Question, please.

Mr. Laughren: It was sent to me by friends in Michigan, not by the close-mouthed government that we have in this province.

Mr. Speaker: Question.

Mr. Laughren: I wonder what the minister thinks the following means in the charter, which I gather his government was prepared to sign this week until there were objections raised by the citizens in Michigan:

"At a minimum, any new or increased withdrawal involving a total diversion or consumptive use of Great Lakes basin water resources in excess of two million gallons a day average in any 30-day period should be subject to review and permitting by the state or province where the withdrawal is located."

Does the minister not see this means that any of the border states can withdraw a huge amount of water without even consulting Ontario? What has happened to all the concerns the minister has expressed in the past? They can take up to five million gallons a day out of the Great Lakes with no debate and no public discussion, and it has not been brought before this Legislature. Why is he signing a document like this?

Hon. Mr. Pope: The policy of the government has not changed. We are opposed to diversions out of the Great Lakes system.

I wish the honourable member had taken up our invitation to attend the conference, then he would have heard Senator Durenberger explain precisely the legal problem that faces the American states: that is the states, by state law, cannot prohibit diversions out of their state boundaries. He indicated two specific examples: one was the city of San Pablo, Texas, and its problems with New Mexico; and the second involved Nebraska and Kansas, where both states had tried to pass state laws preventing diversions.

The United States Supreme Court ruled that states could not pass laws preventing those diversions, there was a proprietary interest in water, a private right to own and use water; that exists in American law but does not exist in Canadian law. That clause in the charter attempts to address that problem in the American jurisprudence, and Senator Durenberger very clearly laid it down in that conference.

Mr. Peterson: Mr. Speaker, does the minister realize that this document, this Great Lakes charter—and I hope he is not going to sign it—is a

toothless document? Let me refer the minister to principle 4, dealing with prior notice and consultation. It says:

"The signatory states and provinces agree that no Great Lakes state or province should approve or permit any new increased diversion or consumptive use of the water resources of the Great Lakes basin which may individually or cumulatively have an adverse impact on other jurisdictions"—and this is the important part—"without seeking the consent and concurrence of all affected Great Lakes states and provinces."

They do not have to get this government's consent; they have only to seek its consent.

Mr. Speaker: Question, please.

2:30 p.m.

Mr. Peterson: The wording of this document is extremely disturbing. Do we have the minister's assurances he will not sign this document without a full discussion, without full public scrutiny, which he has not heretofore granted in this province, to make sure our interests are protected? Will the minister give us that assurance?

Hon. Mr. Pope: Mr. Speaker, before the Leader of the Opposition gets up in his place he should take the time to read the water atlas and the results of the water conference, which his representatives were invited to attend this summer. He should read about the Great Lakes governors' conferences that have gone on, the Midwest governors' conferences that have gone on and the articles that have been written.

Mr. Peterson: The minister should read this document.

Hon. Mr. Pope: The Leader of the Opposition does not know what he is talking about.

Mr. Ruston: Neither does the minister.

Mr. Speaker: Order.

Mr. Laughren: Will the minister answer a couple of very simple questions? Why was there no public discussion? Why was there no public release around the signing of this charter, which was supposed to take place this month between the Premier and the governors of the appropriate states in the United States? Is it not true that any number of diversions up to slightly less than five million gallons a day can be approved without consultation even with Ontario?

Will the minister give us an assurance that this document will not be signed in January, which I gather is what is being planned now, without a full public debate in this Legislature?

Hon. Mr. Pope: No, I will not give that assurance. There has been full discussion of all

these issues at conferences attended by the member's people. He should not give me that hooley. He does not know what he is talking about.

The Leader of the Opposition does not even know that Lake Michigan is not covered by the 1909 Boundary Waters Treaty. That is his problem. That is why he does not understand this agreement.

SPADINA EXPRESSWAY

Mr. McClellan: Mr. Speaker, I have a question in the absence of the Premier (Mr. Davis). I would have thought that self-respect would have dictated that the Premier come.

Mr. Speaker: Question, please.

Mr. McClellan: I want to ask the Minister of Government Services a question with respect to his statements yesterday on the Spadina expressway and specifically his statements, "I do not know that [the three-foot strip] was included per se as a commitment by the Premier," and, "The three-foot strip that was referred to was intended at the time to be a strip of land within the city of Toronto."

I have a copy of a letter from the Premier to the member for Wilson Heights (Mr. Rotenberg), which was circulated at the standing committee on general government on May 19, 1981. One sentence of this letter reads as follows: "I give assurance that if negotiation fails to provide the necessary agreement to put in place the three-foot reserve at the Eglinton terminus of the Allen arterial road by way of grant or lease, then government legislation will be introduced to do so."

My first question to the Minister of Government Services is this: does he think the Eglinton terminus of the Allen arterial road is in the city of Toronto or in the city of York?

Hon. Mr. Ashe: Mr. Speaker, I am well aware that it is in the city of York.

Mr. McClellan: If the minister is well aware that it is in the city of York, why did he tell the House yesterday that the three-foot strip that was referred to by the Premier was intended to be a strip of land within the city of Toronto? Why did he mislead the House yesterday if he was well aware—

Mr. Speaker: Order. Will the honourable member please withdraw the offensive word?

Mr. McClellan: I withdraw the offensive word and ask the minister why it was that he gave a completely false version of the Premier's—

Mr. Speaker: Order. I am sure the member will withdraw that and just place his question.

Mr. McClellan: I withdraw it. Why did the minister give a completely inaccurate version of the Premier's commitment? Why has he reneged on the absolutely clear and unequivocal commitment by the Premier, made again in May 1981, that if negotiation failed the government would legislate the three-foot strip in the city of York? Why did the minister renege on that yesterday?

Hon. Mr. Ashe: I was not party to a copy of a letter from the Premier to the member for Wilson Heights, dated 1981, either yesterday or today. It is quite easy for the honourable member to recite a sentence or part of a sentence out of a letter. I do not know the total context.

More important, we have to acknowledge that both cities in question are within Metropolitan Toronto. I suggest there is still time and that negotiations and discussions should continue between the mayors of the two cities. I suggest that, under any circumstances, the opposition would chastise the government if it brought forth legislation affecting a municipality that was not in agreement with that particular legislation when we are talking about rights, etc. So a consensus probably should be negotiated between the two mayors, between the city of Toronto and the city of York.

Once again, I was not party to the letter referred to by the member.

Mr. Peterson: Mr. Speaker, the minister had a number of faulty premises in his remarks of yesterday, one of which was that it is not possible for one municipality to own land outside its own boundaries.

Mr. Speaker: Question, please.

Mr. Peterson: I am sure the minister now is aware that is factually incorrect. The city of Toronto itself owns land in other municipalities.

Given the fact that it may require enabling legislation for the city of Toronto to own property in the city of York, would the minister support a bill that I plan to introduce today, entitled An Act respecting the City of Toronto, enabling legislation that would give the city of Toronto the power and the ability to own that land in York and to settle this matter once and for all? Will he support the legislation I will be tabling shortly?

Hon. Mr. Ashe: Mr. Speaker, first of all, I have to respond to the initial part of the statement; it probably was not a question. I was fully aware that municipalities could own such land, but we were talking in the context of the transfer of lands, such as has happened in the

Spadina area, and the leasebacks. The ownership we were talking about was of the three-foot strip, and I was fully aware that could be done by legislation.

My own personal view of the legislation the Leader of the Opposition is talking about tabling today is that I do not think it would be a good piece of legislation to support and I will not support it. He is talking about arbitrarily imposing the feelings of the Leader of the Opposition about a piece of land in a municipality over which he has no jurisdiction. He probably does not even know where it starts or where it ends.

Mr. McClellan: I will send by page a copy of the letter of May 19, 1981, to the minister. It was distributed to the general government committee at the time.

Mr. Speaker: Question, please.

Mr. McClellan: I ask the minister to look at the second paragraph on the second page of the letter, where the Premier says: "I believe we should continue to attempt to conclude this matter through discussion and agreement. If that is not possible, then I believe government legislative action should be the procedure we should follow." Then he goes on to the paragraph I have already read.

2:40 p.m.

Does the minister not understand that he has stood in his place on two consecutive days and repudiated the policy of his Premier and solemn commitments given by the Premier in writing to the people of this province and to members of this assembly? Does he not have the decency at least to apologize or to ask the Premier to come in and make a statement to the Legislature to clear the record, to say nothing of the Premier's own name and reputation?

Hon. Mr. Ashe: There is nothing to apologize for. The member opposite has reached his own conclusion that negotiations have come to a standstill. Since the change in leadership of the city of York in the election about two years ago, I doubt that any contact has been made or any negotiations undertaken by the mayor of the city of Toronto. I do not think it is safe to conclude that negotiations cannot be concluded in an agreeable way within the jurisdiction we know as Metropolitan Toronto.

Mr. Peterson: They have missed 11 promised deadlines.

Mr. Speaker: Question, please.

SOCIAL WORKERS LABOUR DISPUTE

Mr. Peterson: Mr. Speaker, I have a question for the Minister of Labour concerning the strike at the Metropolitan Toronto Association for the Mentally Retarded.

Mr. Speaker: One moment, please. I ask the ministers to conduct their business elsewhere or to take their seats. I am having difficulty hearing the questions and answers.

Mr. Peterson: The minister will be aware that some 400 employees are on strike. They deal directly with and affect the welfare of about 3,000 people who are virtually powerless victims at this time. Can the minister bring us up to date on his negotiations and on what he is doing to end this strike that has so many unfortunate victims? Can we look forward to a speedy settlement?

Hon. Mr. Ramsay: Mr. Speaker, I am aware of the circumstances of this work stoppage. A number of parents of children involved have been calling my office on a regular basis for the past number of days and I am terribly sympathetic to their concerns.

The director of our conciliation and mediation services, Mr. Illing, was successful in getting the parties together for mediation yesterday. The last word I heard this morning was that they were still negotiating, which is an encouraging sign.

Mr. Peterson: Does the minister not feel the request of the union for some five per cent in this case is reasonable by any stretch of the imagination?

The association has already saved enough money in forgone wages during the strike to pay the five per cent, and that money could be contributed to the pot. The minister's colleague the Minister of Community and Social Services (Mr. Drea) also has a direct responsibility for this matter. Does the government not feel the Minister of Labour should use his good offices to intervene and put that proposition to the people at the table to end this strike immediately?

The price being paid is too high. I am persuaded that a peaceful reconciliation could be reached quickly through the minister's good offices in putting that proposition to them. Will he do it?

Hon. Mr. Ramsay: That is not the role of my ministry. My ministry is there to try to bring the parties together to negotiate a successful resolution. I have no authority whatsoever to put any money on the table. As I have said in this Legislature before, I do not think it is appropriate for me to comment on the merits of the case of either the union or the management side. It would

be terribly inappropriate and unwise to do so, particularly when we now have them at the bargaining table.

Mr. McClellan: Mr. Speaker, I would like to ask a blunt question: how much longer do the minister and his government intend to maintain the fiction that in social service strikes of agencies controlled and funded by the Ministry of Community and Social Services the minister himself is not a party to the negotiations?

Why does the minister not use his good offices to get Frank Drea to the bargaining table along with management? He is the one who controls the purse strings of the social agency and only he can come forward with the additional resources that would be required to achieve a settlement. The five per cent and a single wage scale is an eminently sensible proposal, and I am mystified why the Ministry of Community and Social Services continues to wash its hands of this matter.

Mr. Speaker: Before the minister answers that question, I must ask the member for Bellwoods (Mr. McClellan) to refer to the minister by his proper title.

Mr. McClellan: I withdraw the use of the unparliamentary term "Frank Drea."

Mr. Speaker: That was not the point; it was not unparliamentary. I just want you to identify him by his ministry rather than use his name.

Hon. Mr. Ramsay: Mr. Speaker, I do not think there was a question there. I believe some advice was offered.

I would advise that the minister in question and I have been in constant, daily contact on the matter ever since this dispute arose.

EXTRA BILLING

Mr. Cooke: Mr. Speaker, I have a question for the Minister of Health. Is the minister aware of a nursing home in Amherstburg, Richmond Nursing Homes, whose home doctor is Dr. Greenaway, who has opted out and extra bills the patients in the nursing home?

What does the minister think of that practice? Is he willing to take action to see that, at the very minimum, residents in nursing homes are not forced to pay extra bills from doctors who are opted out.

Hon. Mr. Norton: Mr. Speaker, first of all, when a physician is an advisory physician to a nursing home this does not necessarily mean he is the personal physician to the residents of that nursing home. All residents of nursing homes

are free to continue their relationship with a physician of their choice.

I am not familiar in detail with the situation the honourable member described. On the basis of information I have, I would assume there are also physicians who are not opted out—or if opted out, not extra billing—who are available to serve the residents of that nursing home. In that case I should not think the fact that Dr. Greenaway is opted out would in itself present a serious problem for the residents.

Mr. Cooke: The minister must realize one of the problems is that doctors in the community are reluctant to go into nursing homes, and he knows that is a fact.

Mr. Speaker: Question, please.

Mr. Cooke: Is the minister also aware that in this particular nursing home the process used specifically for residents who are disoriented and who have to use the public trustee is that there is no one to protect their rights? The extra bills are simply sent to the public trustee and the public trustee pays on their behalf.

Who is looking out for these residents, who are very open to being used by doctors who are not concerned about universal accessibility but are instead just interested in a way to print money for their incomes? That is exactly what is happening here. Why does he not understand that all sorts of these abuses are going to take place until this government comes to grips with the fact that extra billing is wrong under medicare, that he should end extra billing and that is it?

Hon. Mr. Norton: Unfortunately, I did not hear all of the member's question because of other conversations in the vicinity of my seat; however, I shall not name names.

I do think it is a rather untenable leap of logic, if one can do such things, to suggest that because of a particular situation, which I have already suggested is probably not an obstacle—and the member really has not countered that—to extrapolate or generalize from one situation and say it is likely to become epidemic and therefore create very serious problems in nursing homes.

If the member knows of other nursing homes in which this kind of situation is creating a problem for residents, I would be pleased to hear about it. I have been advised that the home the member described will guarantee by the end of this month that opted-in physicians will be available to the residents.

Mr. Sweeney: Mr. Speaker, supplementary to the minister's reference to opting out, the minister is probably well aware of thereopt

entitled No Care Medicare by the National Anti-Poverty Organization. I want to draw his attention to a response he made earlier in this session to a question from my leader indicating that if specific cases were brought to his attention, he would start doing something about them.

The minister is probably aware of the fact there are several specific cases in this report that deal with Ontario: that of Mr. and Mrs. P., who had to borrow \$1,000 to settle their extra-billing account for their young daughter's spinal operation; and that of Mr. and Mrs. C., both of whom are retirees, who had to borrow \$1,151 in order to pay for their joint medical bills.

Mr. Speaker: Question, please.

2:50 p.m.

Mr. Sweeney: How many more such cases have to be brought to the minister's attention and verified and documented before he is going to make a decision on extra billing in Ontario?

Hon. Mr. Norton: Mr. Speaker, the short answer to that question is, no, I have not seen the report to which the honourable member refers. Whoever prepared it obviously did not take the trouble to forward a copy of it to me. I have never seen that report and I certainly do not recognize it from the description the member has given me.

I point out to the member that of the cases brought to our attention or to the attention of the Ontario Medical Association, according to the most recent data I have coming from the senior officials of the Ontario health insurance plan who are involved with the OMA in trying to resolve these situations, about 98 per cent are resolved to the satisfaction of both parties.

That does not mean every one will be, but I should think from the very superficial description that is provided in the report, at least as encapsulated by the member, those are cases that should have been resolved through that process if they had been brought forward. I do not know whether they have been. They were certainly not brought to my attention.

ABORTION CLINIC

Mr. Williams: Mr. Speaker, I have a question for the Solicitor General. In recent days Dr. Henry Morgentaler has publicly and arrogantly announced his intention of breaking the law by operating an abortion clinic on Harbord Street in the city of Toronto, contrary to Canada's Criminal Code.

His lackeys yesterday gleefully announced that illegal abortions had been carried out on the premises that day. A handful of responsible,

concerned and law-abiding citizens lawfully assembled in front of the clinic to express their revulsion and remorse at the new open season on the killing of defenceless unborn babies.

Given these facts, why were the Metropolitan Toronto Police yesterday apparently put in the incredible and indefensible position of being ordered to the clinic, not to close it down but solely to observe citizens lawfully assembled on the street to express their views, as they are entitled to do under Canada's Charter of Rights? If the officers were ordered to turn their backs on the criminal acts being performed behind the closed doors of the clinic, was this bizarre behaviour not tantamount to aiding and abetting in the crimes?

Hon. G. W. Taylor: Mr. Speaker, the honourable member has made some very interesting points on the matter. This is a discussion about which we on this side of the House are indeed greatly concerned, both in its emotional features and in respect to the law.

Notwithstanding the member's question and the very detailed position he has put, I understand that the Attorney General (Mr. McMurtry) will be asking the consent of the House to provide the House with an updated statement on the matter. I ask the member to await the Attorney General's statement in order that he might have a more full and complete answer on the subject.

Mr. Williams: Notwithstanding the minister's reply, I would like to ask a supplementary if I might. According to the article in this morning's Globe and Mail, the police officers were there merely to keep things running smoothly and not to gather evidence for new charges. Police Chief Jack Marks was quoted as saying he had not consulted the crown law officers about the clinic, but he said: "I have not said when, but we will. I do not think there is going to be much change there for a while."

Mr. Speaker: Question, please.

Mr. Williams: If that is an accurate statement, to be charitable, it is ambivalent at best. I ask the Solicitor General when the Metropolitan Toronto Police are going to stop intimidating people from using the streets of Toronto lawfully and start doing what they do best, which is to stop crimes against humanity from being committed in this city and in this province.

Hon. G. W. Taylor: I will stand the member's questions down to the Attorney General when he makes his statement on the matter. Without giving too many replies on this subject, as the Attorney General stated earlier in

his statement in regard to the appeal of this matter, there is a situation whereby individual police forces have the discretion, after investigating and finding there is sufficient evidence to warrant laying charges of a crime, to do that. It is not within the discretion of the Solicitor General to instruct them to lay those charges. That was made exclusively clear.

It is up to Police Chief Jack Marks, who has the detail of commanding his officers in exercising their discretion. I am sure that very outstanding police force and the chief will, when necessary, seek advice to lay any charges, if he so decides to have his officers exercise that discretion. I am sure he will also seek the advice of the local crown attorneys as to whether there is sufficient evidence, when and if he decides to lay charges.

Mr. Sweeney: Is the Attorney General going to make a statement?

Mr. Speaker: Not that I am aware of.

Mr. Nixon: Mr. Speaker, since it appears the Attorney General—

Mr. Speaker: I was just in consultation with one of my advisers. If we do revert to statements, I will, in rotation, allow a question to be asked on that statement.

Mr. O'Neil: Let us hear the statement first.

Mr. Speaker: I have no idea whether there is going to be one or not.

Mr. O'Neil: Will it be before the end of the day or not?

Mr. Speaker: The Attorney General is the one who has to ask for it.

Mr. Sweeney: Mr. Speaker, if the Attorney General is not about to make a statement, may I ask a supplementary?

I am not quite sure what kind of advice Chief Marks and his men are looking for, but it is my understanding the federal law has not changed. Could the Solicitor General please advise me what the people at the Morgentaler Clinic have to do before they break the law? What else do they have to do? They have admitted they broke it.

Hon. G. W. Taylor: Mr. Speaker, on a matter such as this, as I explained to the honourable member, when the police forces are investigating any situation contrary to law, they receive such information and then discuss it with the crown law officers or the local crown attorney. If there is sufficient evidence they exercise their discretion to lay charges.

They do not always follow immediately upon the act. Sometimes there is a delay for discussion

purposes. As the member has said, the law has not changed. We still have the same law in Ontario, subject to those items that are under appeal. That does not change the law in that regard until such time as a senior court so decides.

We have a situation where there are events taking place about which I am sure the chief of police has instructed his officers. I have no knowledge of that, but I am sure he would also have instructed them about the purpose the member to my right, the member for Oriole (Mr. Williams), has asked about keeping order. They are also watching other matters.

Mr. Nixon: Is the Attorney General ready to make the statement?

Hon. Mr. Wells: Mr. Speaker, if the House is agreeable to revert to statements, the Attorney General will make a statement.

Mr. Speaker: Do we have the unanimous consent of the House to revert to statements?

Agreed.

STATEMENT BY THE MINISTRY

ABORTION CLINIC

Hon. Mr. McMurtry: Mr. Speaker, further to my statement to the assembly last week with respect to the crown appeal in the proceedings against Dr. Henry Morgentaler and others, there have been a number of developments upon which I should now report to this assembly. Notwithstanding the launching of the crown appeal, it is apparent that the Morgentaler Clinic has reopened, that abortions have been performed and that those operating the clinic intend to continue to perform abortions.

3 p.m.

The continued operation of the clinic has aroused strong controversy throughout the community. Strong passions have been aroused on both sides of the issue. A number of irresponsible statements have been made. The community is deeply divided, and we face the prospect of continuing confrontation around the continued operation of the clinic.

In the face of this deep division in the community and the legal uncertainty that will remain until the legal issues are resolved in the Ontario Court of Appeal, a number of legal options are open to the police, to private citizens and to me as the Attorney General. These options include the commencement of criminal proceedings by the police and by private citizens and the application for an injunction in a civil court by

the Attorney General or by others with the consent of the Attorney General.

Each of these forms of intervention presents difficulties for the administration of justice and the community. I am concerned not only with the legal issues, but also with the possibility that no one form of legal intervention or combination of legal interventions would at this time serve to calm the controversy and social unrest that has arisen around this issue.

The best place for an orderly resolution of the legal disputes, including the application of the defence of necessity and the alleged conflict between the Criminal Code abortion provisions and the Canadian Charter of Rights and Freedoms, is in the Ontario Court of Appeal.

This is a time and this is an issue that require from all of us the exercise of the highest degree of social, moral and legal responsibility.

The continued operation of the clinic at this time will set the stage for further legal confrontation in the criminal courts, civil courts and, even more distressing, in the community as a whole. The public interest therefore requires all responsible members of the community to do everything they can to avoid confrontation around this issue.

In my opinion, the public interest would be best served by a cooling of public passions until the matter has been disposed of in the Ontario Court of Appeal. For that reason, I would urge Dr. Morgentaler and his associates to follow the path of restraint. I suggest they respect the usual process for the resolution of legal issues in dispute and thus request them to cease the operation of the clinic until such time as an appeal, expedited as much as possible, can be heard in the Ontario Court of Appeal.

This compliance with the law as established by the Parliament of Canada would demonstrate respect for the rule of law. It would represent an act of profound social responsibility.

Dr. Morgentaler has said he seeks a peaceful dialogue in mutual respect of opposing positions on some of the ethical dilemmas involved in this troubling issue. Having taken that public position, he must now surely consider what steps he can take to avoid the kind of unnecessary confrontation in the criminal courts, in the civil courts and in the wider community that can only flow from the continued operation of his clinic.

This is above all a time for people to respect those who hold different opinions. Representatives of both sides of the abortion controversy have appealed to me to take steps to defuse public tensions around this issue. One common thread

among responsible people on both sides of the issue is that it is imperative to calm the extremely volatile passions that have erupted.

At the same time that I send this message to Dr. Morgentaler, I must send a similar message to those who have made threatening statements on the other side of this issue. Let me stress that every step must be taken to preserve the public peace, and every necessary step will be taken.

At the same time, I must observe that the resources of criminal law enforcement can be put to better use than in the simultaneous protection and prosecution of the clinic pending an early resolution of the issues before the Ontario Court of Appeal.

I therefore call upon all sides of this very controversial matter to exercise restraint, to respect the views of others and mutually to accept a public moratorium on this issue until the law has been clarified by the Court of Appeal for Ontario.

ORAL QUESTIONS

(continued)

ABORTION CLINIC

Mr. Peterson: Mr. Speaker, I have a question for the Attorney General on his statement. I note his request to Dr. Morgentaler. Has he requested this of Dr. Morgentaler personally, and what was his response to the minister's request?

Hon. Mr. McMurtry: No, Mr. Speaker, I have not.

Mr. Peterson: Why would the Attorney General come to this House, announce it this way and expect Dr. Morgentaler to respond? What is the minister going to do if he does not respond to his request?

Hon. Mr. McMurtry: I would have thought this would be an appropriate place. We on this side perhaps have more respect for the role of the Leader of the Opposition (Mr. Peterson) in the resolution or discussion of important public disputes in this Legislature. Given the enormous continuing controversy, of which all members are very much aware, and in view of the many requests that have been made by both sides of this issue to the Attorney General of this province, I would have thought the Leader of the Opposition would agree that this is an appropriate forum in which to issue a call for restraint such as the one I have just made.

Mr. Laughren: Mr. Speaker, I think it is obvious to everyone that people on both sides of this issue would like to see the issue resolved and see passions cooled. Can the minister tell me how

he expects his statement to accomplish anything in view of the fact that Dr. Morgentaler has declared he intends to operate his clinic in view of the fact that he was acquitted by a jury?

Hon. Mr. McMurtry: I have made this statement, which must speak for itself, in answer to many requests that have been made to my office during the period of time in which this issue has reached a high degree of controversy. A number of requests have been made by members of the public, the media and members of the Legislature to outline the options that are available.

It is my view and my deeply held conviction that it is appropriate to issue such an appeal for restraint to Dr. Morgentaler, his associates and others for a form of moratorium, as it were, until the legal issues have been clarified by the Ontario Court of Appeal.

I believe this to be a responsible course of action. Of course, I cannot predict the response of Dr. Morgentaler and his associates, but I believe it is responsible to make such a public plea to all sides in this controversy in order that there may be an orderly resolution of some of the outstanding legal issues in the courts and not elsewhere in the community.

Mr. Williams: Mr. Speaker, can the Attorney General clarify for the benefit of the members of the Legislature when the Attorney General of this province had to request people to cease and desist from breaking the laws of this country?

Hon. Mr. McMurtry: I am sorry, I do not understand the question.

Mr. Williams: How long a time is the Attorney General going to give Dr. Morgentaler to comply with his request?

3:10 p.m.

Hon. Mr. McMurtry: I thought I had explained this to the members of the Legislature when I made my statement on the appeal. The decision in relation to the laying of any criminal charges, as the Solicitor General (Mr. G. W. Taylor) has just repeated once again, is a decision that must be made by the police department directly involved.

In making this decision, this police department will undoubtedly seek advice, as the Solicitor General has already stated today, and may indeed have already sought some preliminary advice from the local crown attorney's office. It is not the role of the Attorney General to direct the police to lay charges or not to lay charges.

FAMILY LAW REFORM

Ms. Bryden: Mr. Speaker, I have a question on another subject for the Attorney General.

Will the honourable minister of tomorrow and tomorrow please tell us which day this week he is going to introduce his long-promised amendments to the Family Law Reform Act so that the bill can be given second reading and referred to a standing committee for public hearings early in the new year?

He promised these amendments almost two years ago and assured us at the end of the spring session that they would be introduced before the end of the fall session. Is it cabinet opposition which is holding up the badly needed amendments to close the glaring loopholes that are depriving many women of receiving a fair share of property acquired after a marriage and putting in jeopardy their right to 50 per cent of the matrimonial home?

Hon. Mr. McMurtry: Mr. Speaker, as I have said to the honourable member on other occasions, we already have in place a Family Law Reform Act which is one of the most progressive pieces of legislation in the western world. There are some proposals for change about which we on this side of the House are seeking to—

Mr. McClellan: Where are they?

Mr. Martel: You have been promising them for two years.

Hon. Mr. McMurtry: They do not want to listen.

Mr. Speaker: Order.

Hon. Mr. McMurtry: Can the member for Beaches-Woodbine (Ms. Bryden) not keep some of these young men under better control?

There are some important proposals being considered on which we are attempting to seek a broad community consensus.

Ms. Bryden: I am very disappointed that the minister's only reply is recourse to that statement that we are away ahead of other provinces, which is completely false.

Will the Attorney General tell us exactly what his ministry is going to do to beef up the enforcement of the \$42 million of support and maintenance orders in this province which are being blatantly ignored by spouses? For example, is he prepared to adopt the Manitoba system, which uses a computer to alert enforcement officers of defaults? Wages are immediately attached as a result. This has resulted in 85 per cent of support orders being collected in Manitoba instead of 85 per cent being in default. Will the minister consider such action in Ontario?

Hon. Mr. McMurtry: Yes.

TENDERING PRACTICES

Mr. Reed: Mr. Speaker, I have a question for the Minister of Natural Resources. Will the minister confirm that a five-year agreement forest timber sales contract covering about 50,000 cords of wood in the southwestern and central regions of the Minden district is to be awarded to the Ontario Paper Co. without tender even though two other companies, Giant Timber Industries Ltd. and Brouwer Wood Products, had been approached by the ministry, informed they would be allowed to bid on that contract and were provided with the conditions under which the agreement would be tendered?

Will the minister confirm these two companies have now been informed by his ministry that a contract has been formulated with Ontario Paper and that there will be no tendering process? How can he justify an action such as this? What does he have against the little guy?

Hon. Mr. Pope: The member is hardly one to talk about the little guy.

Mr. Speaker, the answer is no, I cannot confirm that because it is not true. We are meeting the other companies on December 17. There is nothing on my desk with respect to a signing of any agreement with Ontario Paper, nor has there been any policy decision from Queen's Park offices to enter into any agreement with Ontario Paper.

Ontario Paper has had a 25-year standing agreement with this government with respect to the harvesting and thinning operations the member speaks of. We received some indication from them a few months ago that they were not interested in continuing. That led to some discussions. We now have some indication they might be willing to continue. No final decision has been made, and the people who demonstrated knew that.

Mr. Reed: Will the minister make sure this agreement goes out for bidding as his officials indicated to the two companies? When he is doing that, will he also review the outline of the agreement to make sure private tracts are not included? The minister may not be aware that at the present time for some reason there is some private land involved in the proposed agreement. I would be pleased to pass him the information about that. Will the minister give us those assurances?

Hon. Mr. Pope: No, I will not give the honourable member any assurances. Setting aside this particular example, the member is aware that in principle two options are available.

One is the allocation through crown licence for our district cutting licences at a set rate of crown dues charged under the Crown Timber Act. The other option is the tendering of timber located on private and public lands, depending on the circumstances. In principle, this can have an impact on cost of operation and therefore on the competitiveness of some of the mills if it is widespread.

Be that as it may, in this specific instance I will further review both options before I make a final decision.

HIGHWAY TRAFFIC LEGISLATION

Mr. Mackenzie: Mr. Speaker, I have a question of the Minister of Transportation and Communications. The minister will be aware of the concerns of the transit workers in Toronto about the amendments to the Highway Traffic Act in Bill 96, which mean the members can be charged for any violations.

Since the drivers must look to the right before pulling out or turning, but cannot see if the bus or streetcar is jammed to the front door, will the minister accept the transit workers' request that a white line be painted on the floor from the driver's seat across the aisle to the front of the first passenger's seat so that passengers cannot stand in front of that line and create a hazard for the driver?

Hon. Mr. Snow: Mr. Speaker, I have been looking into this matter. It is my understanding the Public Vehicles Act requires that no passenger stand ahead of the line immediately behind the doorwell. Apparently, that is not a regulation with regard to transit buses in municipalities, as they do not come under the Public Vehicles Act.

I can certainly see the benefit of that. On the other hand, there could be problems if there was a crowd of people at a bus stop wanting to get on and the bus was full. Who is going to decide whether another passenger can get behind the line? However, I understand what the honourable member is saying. I am looking into it and will give it some consideration.

SEATING PLAN

Mr. Harris: Mr. Speaker, on a point of privilege: I have been a member of this Legislature now for close to four years. During that time I have been seated in the back row on this side of the House. It is very crowded back here. It is difficult to get in and out of the desks and in and out of the seats. The 22 of us in the back row on this side have tolerated this for three and a half years.

After an event that is to take place this Thursday, the problem is going to be even worse. Can we be assured that we will be treated the same as other members of the House are and have a little more room so we can get in and out? I do not know how you are going to do it, sir, but I know the problem is going to get worse.

There is no problem getting in and out of seats on the other side. There is a lot of room. I do not think we are being treated the same as other members are.

Mr. Speaker: I surely would not want any members in this House to feel discriminated against. Depending upon events that may or may not happen in the future, I can assure you everything will be taken care of in the regular way.

Mr. Peterson: Mr. Speaker, on a point of privilege: If the member feels he has to bring his weight problems before this Legislature for discussion, that is quite all right, but I recommend the Young Men's Christian Association.

3:20 p.m.

PETITIONS

ROMAN CATHOLIC SECONDARY SCHOOLS

Mr. Wrye: Mr. Speaker, I have a petition as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

That petition is signed by 37 teachers at Centennial Secondary School in the city of Windsor in the riding of Windsor-Sandwich.

Mr. Newman: Mr. Speaker, I have a petition as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

This petition is signed by 47 teachers in the city of Windsor.

Mr. Conway: Mr. Speaker, I have a petition in exactly the same language as those just read by my colleagues the member for Windsor-Sandwich (Mr. Wrye) and the member for Windsor-Walkerville (Mr. Newman). It is signed by 30 constituents from the great county of Renfrew.

Mr. Nixon: Mr. Speaker, I have a petition in the same terms signed by a number of constituents in ward 3 of the city of Nanticoke in my constituency.

Mr. J. A. Taylor: Mr. Speaker, I have a petition again couched in the same wording and signed by 70 persons in the Napanee-Kingston area.

REPORTS

STANDING COMMITTEE ON REGULATIONS AND OTHER STATUTORY INSTRUMENTS

Mr. Sheppard from the standing committee on regulations and other statutory instruments presented the third report of the committee.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Kerr from the standing committee on social development reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Education be granted to Her Majesty for the fiscal year ending March 31, 1985:

Ministry	administration	program,
\$37,242,800;	education	program,
\$3,184,052,700;	services to education	program,
\$1,670,700.		

MOTIONS

ESTIMATES

Hon. Mr. Eaton moved that in the standing committee on social development, the estimates of the Ministry of Colleges and Universities be reduced to five hours and 30 minutes.

Motion agreed to.

COMMITTEE SITTING

Hon. Mr. Eaton moved that the standing committee on members' services be authorized to meet in the morning of Thursday, December 13, 1984.

Motion agreed to.

INTRODUCTION OF BILLS

CITY OF TORONTO ACT

Mr. Peterson moved, seconded by Mr. Nixon, first reading of Bill 157, An Act respecting the City of Toronto.

Motion agreed to.

Mr. Peterson: Mr. Speaker, this bill would have a dual effect. It would clear up all the confusion in the mind of the Minister of Government Services (Mr. Ashe) with respect to which municipalities can own property where in this province. Second, it would enable the city of Toronto to own property in the city of York with respect to the strip of land that would prevent the extension of the Spadina expressway.

The way is now clear for strong government action. There are no more legal impediments upon the adoption of this finely crafted bill. Mr. Speaker, I know you will urge all members of this House to attend to it immediately.

PUBLIC SERVICE AMENDMENT ACT

Mr. Newman moved, second by Mr. G. I. Miller, first reading of Bill 158, An Act to amend the Public Service Act.

Motion agreed to.

Mr. Newman: Mr. Speaker, this bill would protect from reprisals those crown employees and employees of Ontario Hydro and the Ontario Northland Transportation Commission who disclose, with the exception of certain categories, information they believe to show contraventions of law, gross waste of public funds or assets or substantial dangers to public health and safety. This would override the civil servant's duty to keep confidential all information acquired on the job.

Hon. Mr. Eaton: Before calling private member's motion 54, I want to say I understand the time is to be split equally and the table will keep track.

3:30 p.m.

ORDERS OF THE DAY

EDUCATION POLICY

Mr. Conway moved, seconded by Mr. Sweeney, motion 54 under standing order 63(a):

That the government lacks the confidence of this House because of its record in relation to all matters affecting education in this province, where through the ministries of Education and of Colleges and Universities, all educational institutions have been systematically undermined and sabotaged, have suffered relentless cutbacks in financial resources, have become victims of divisiveness engendered among educational constituencies, have been compelled to implement programs by confrontational and intransigent policies and have been subjected to an iron hand of increasing centralization and loss of autonomy, in particular:

The decision of the government to withdraw from its commitment to share the costs of public education with local municipalities in a ratio of 60:40, to the extent the government now contributes less than 49 per cent of such costs;

The unarticulated policy of this government that, as a consequence of its perception that the provincial university system was overbuilt during the decade 1960-70, it has so diminished its support to universities that the viability and quality of the system is in peril;

The position of the government in the face of the recent strike by community college teachers, whereby it denied legitimacy to the central concern, namely, the quality of education;

The failure of the government to provide the necessary resources to programs of special education throughout the province, whereby the legitimate needs and expectations of thousands

of children with exceptional educational needs will remain unmet;

The destructive predilection of the government to appoint commissions and committees to inquire into the state of our universities, whose numerous recommendations have all been substantially ignored;

The failure of the government to respond to the growth and popularity of the community college system, as it refuses to plan for or fund any expansion of the system and refuses to disclose reports which evidence the need for expansion of the college system;

The intransigence of the government in requiring implementation of the new OSIS high school curriculum without providing prerequisite course curricula, in-service training and financial support and without regard for the many caveats expressed by members of the constituency affected;

The failure of the government to make timely, reasonable and necessary provision for French-language governance among school boards where the francophone population is entitled to such representation;

The dismal record of the government to make even modest provision to the universities of the province for maintenance and repair of their buildings and capital plant;

The decision by the government to abruptly reverse its position on the extending of funding to the separate school system, without debate or consultation and with the consequence of confusion and hostility among all members of the post-secondary school system;

The announcement by this government in the speech from the throne in March 1984 that there would be a return to province-wide assessment in the school, which announcement was immediately and substantially contradicted by the minister responsible;

The pursuit by the government of a plan to restructure the distribution of local commercial and industrial property and business tax assessment, through the means of the Martin proposal, without full disclosure of alternative proposals or any commitment to raise per pupil expenditure ceilings and without meaningful consultation;

The policy of the government to permit admission to up to 50 per cent of community college programs by means of a random selection, "lottery" process, without regard to student merit or performance;

The proposal by the government to impose a structure, to be known as a College of Teachers, on over 100,000 teachers in the province,

without significant prior consultation, and in the face of opposition from the recognized teacher federations;

The refusal by the government to provide support for co-operative education high school programs, although such programs have demonstrated extraordinary success and require only very modest financial support;

The policy of the government to refuse to provide capital funds to school boards for the building of school facilities in those areas of the province where overcrowding and the use of portables are at a crisis stage;

The policy of the government whereby hundreds of noncredit continuing education programs were eliminated or curtailed by local schools because funds previously provided were cut off;

The practice of the government to make appointments to governing bodies of community colleges on the basis of the appointees' association with the government party;

The policy of the government to sharply increase the tuition fees paid by foreign and visa students, with a consequent and serious decline in foreign student enrolment, imperilling Ontario's role in the world academic community;

The failure of the government to encourage and make necessary provisions for research and development activity at provincial universities, in so far as research grants do not cover overhead expenses and often strain existing university resources and discourage faculty research efforts; and

The policy of the government which curtailed or eliminated successful adult upgrading programs, notably those offered by the Prescott-Russell board and the Niagara region board, by virtue of memo B:9 of 1983, which operated retroactively on those boards.

Mr. Conway: Mr. Speaker, for those and other reasons I will outline, my colleagues and I move this motion of want of confidence in this government's administration of the education policy of this province.

As the chief government whip has properly indicated, the time, which I believe is two hours and five minutes, give or take a few, has been divided by agreement among all three parties. In respect of that agreement, I will govern myself accordingly.

I note the absence of the Minister of Education (Miss Stephenson), though she will be around shortly, as the Minister without Portfolio (Mr. Eaton), the chief government whip, has indicated. She is very ably represented at the

beginning of this debate—at which I note the presence of seven members of the 71-member government majority—by my friend and colleague the member for Parry Sound (Mr. Eves), the minister's parliamentary assistant.

My colleagues and I have taken this opportunity to move this motion because of our growing concern about what is happening to education in this province. There is not one member on this side of the House, and I cannot imagine there is another member on the other side of the House, who has travelled around and about his or her constituency in these past few months without being impressed very quickly by the range and depth of concern in the community about the education policy—or the want of an education policy, as the case may be—of the government in this province.

I have been impressed in my own part of eastern Ontario by the numbers of residents who have drawn to my attention their concern about what is happening to the state of education in this province. This motion expressing want of confidence in this government is offered very much on behalf of those countless Ontarians who feel betrayed by the government they elected to govern and to legislate for a better, not a confused or worse, educational environment.

There is concern, as I indicated, on all sides. Students, whether they be in elementary, secondary or post-secondary education, are rising with one voice to raise their concerns about quality, access and employment.

We have educators who in many cases remember a happier time, a time when the Ontario government seemed to understand, seemed to consult and seemed to be well informed about and very sensitive to every rhythm in education at all levels in this province. Educators ask me and my friends from St. Catharines, Kitchener, Windsor and elsewhere: "What next? What are the Minister of Education and the Premier planning to do next? Which bomb is sitting there in the Mowat Block or in the Premier's office just waiting to be detonated?" That is the concern from educators about what they feel is wrong in education.

3:40 p.m.

Gone are the days when there were bridges to all constituencies emanating from the Office of the Premier and the Mowat Block, often bridges across very troubled waters.

Those were the happy days of John Robarts, and the early days and even some of the middle years of the current Premier (Mr. Davis). There now is a sense that there is much less sensitivity,

much less real information and, unhappily, much less commitment.

Parents by the score say to their members in this assembly: "What is wrong at Queen's Park? What kind of mindset afflicts this government that is 41 years and four months old, such that we have this malaise in the province today?"

There are trustees who feel overridden and trampled upon who are asked to go out and raise local taxes because Queen's Park will not live up to commitments that presumably were honourably entered into in 1970 and repeated some years later.

Trustees in counties such as Renfrew, where the local tax base is unhappily all too fragile, are being sent back to their electorates and taxpayers and being forced by a calculated, premeditated, but very private public policy on the part of this government to raise local property taxes in Pembroke, Deep River, Kingston and the Islands and elsewhere.

They are being asked to pay the price for much of the Premier's promise, which has not been fulfilled by the provincial government.

Taxpayers by the score in Athens, Gananoque and Brockville are reacting as one would expect beleaguered and overburdened taxpayers to react. Trustees, county councillors and city councillors in Athens, Gananoque and Brockville are reacting as one would expect the good people of Leeds county to react when they are asked to carry an additional burden placed on their shoulders, not by local authorities but by the provincial government at Queen's Park and by the Legislature.

What of the Legislature in all this? I wonder what happens when the member for High Park-Swansea (Mr. Shymko) asks: "What is going on? What is really happening with respect to universities in this province? What policy response has my government generated to the breathtaking conclusions of the Fisher panel on these critical questions?" What answer does he get?

I wonder what answers the member for Hastings-Peterborough (Mr. Pollock) or the member for Algoma-Manitoulin (Mr. Lane) get when they ask, "What about our policy of extending aid to the full panel in separate secondary education?" They get the same answer the private schools get when they ask, "What of our future?" The universities get the same answer when they ask, "What is your response to the breathtaking conclusions of the Fisher report?" The community college teachers and the students at that level get the same answer when they ask,

"What is going to happen when we deal with the critical question of instructional assignments?" Unhappily, we had a most divisive strike about that this past fall.

The answer in all cases is, "There is a commission." Mr. Newnham, Mr. Bovey, Mr. Macdonald and countless others I will not name are out there studying these matters. The Legislature is not invited to participate in a discussion of the critical questions and options.

Last year I tried, with the support of my friend the member for Hamilton West (Mr. Allen), to get a legislative debate on the very important matters affecting our university policy in this province. What did I and the member for Hamilton West get? We got nothing by way of a positive commitment. It was only after we offered almost vital parts of our anatomy that we got a response from the government that it would give the member and I—

Mr. Allen: The member should speak for himself.

Mr. Conway: I am speaking for myself; I do not mean to impugn the physical integrity of my friend.

We got a three-day hearing from this majority government that continues to exercise its iron heel unfeelingly on these important matters about which there is widespread concern. We got a commitment from this 71-member Tory majority that we could have a three-day hearing in the standing committee on social development to discuss some of these questions. That is what we got. That is about all the Legislature has had in the nine years and three months during which I have been a member of it. That is just not good enough.

Government by commission and government by meditation is not going to resolve many of these questions. I say to the arriving Minister of Education and Colleges and Universities, it is that kind of intransigence and insensitivity that is simply not good enough, the kind of attitude that wants to treat the members of the Legislature as if they were mushrooms in a greenhouse—put them in a dark corner and feed them "you know what."

It is because the Legislature has not been involved, because there has not been a full and public review of the policy questions and because there has been no opportunity outside the private environment of the Mowat Block and the Office of the Premier that we have such concern in the community today.

I have some sympathy for the Minister of Education and Colleges and Universities because she herself has suffered from the very disease

about which I am complaining. The member for Carleton East (Mr. MacQuarrie) will recall unhappily, as will all other readers of the *Ottawa Citizen*, the spectacle of the minister being held up to public ridicule last June when she was clearly shut out from the very important decision that was taken by the Premier himself at the summit of this government, at the peak of this Kilimanjaro, perhaps in consultation with Emmett Cardinal Carter, Archbishop of the Diocese of Toronto, the deputy minister in the Premier's office and Mr. Allan Gregg. That was the inner circle of five or six men who I believe were consulted on the most incredible about-face in modern political history in Ontario.

I am sure my friends the member for Middlesex, the member for London South (Mr. Walker) and the member for Lanark (Mr. Wiseman) well remember their campaigns in 1971. I can just imagine what was said at that time by the government candidate in that riding on the back concessions of Middlesex about extending aid to separate schools. I can imagine.

The member for St. Catharines (Mr. Bradley) reminds me of that of which I do not need much reminding: what was said in eastern Ontario by countless government candidates in the 1981 election about the sacrosanct quality of grade 13. "Those scoundrel Grits," the Tories said from Carleton to Kingston to Pembroke, "have some kind of scheme to reform the educational curriculum in the secondary panel to make grade 13 optional." From Carleton to Gananoque to Pembroke they said: "Elect us, your Tory candidates, and we will ensure the inviolability of grade 13. Upon this rock we will build the educational church for the 1980s."

How long did that last, I ask my friends the members for Carleton (Mr. Mitchell), Parry Sound, Leeds (Mr. Runciman), High Park-Swansea and the other 20 or so government candidates elected in 1981? It lasted all of about a year.

3:50 p.m.

I say to the government members what people in this province are saying about the government: "What is the value or the worth of the word of the government of Ontario? They say one thing, campaign aggressively on that policy and all the while they plan and plot to do the very reverse."

That, my friends, is the politics of the credibility gap, and people remember. When my friends in the government back benches examine their consciences, how do they support what has been done in their names? How do those who campaigned with such vigour and such success in

1981 feel as accomplices to the about-face which produced a complete reversal from that grade 13 policy in which they so happily took refuge in 1981?

Hon. Miss Stephenson: What idiocy.

Mr. Conway: The minister of all education interjects. She will have her day. The people of Ontario have not lost sight of these reversals and inconsistencies and they are not very happy, in particular at this time.

The Premier himself, in his royal progress through the Ottawa Valley, made much of the grade 13 commitment. How well I remember his commitments in the great campaign of 1981, but I also remember the campaign of 1971. Why should I be surprised about the reversal of the junior league policies in 1981? Who could ever forget in Lanark, Middlesex, Leeds and Parry Sound, and even in York Mills, the generous and kind-hearted way in which the member for Brampton (Mr. Davis) entered into the 1971 campaign and injected the separate school question into that campaign?

I was there and, like Pepperidge Farm, I remember. My memories are not very happy and not very positive. That is one of the many reasons I stand here and ask today, particularly at this time when we draw to the end of the Davis era in Ontario politics, what are the unpaid or unbalanced accounts on the Davis ledger? When I cast my eye and my mind across the Davis era, I see too many unpaid accounts and too many unbalanced items on that ledger sheet for my approval or my liking.

All this must take me to the minister herself. I want to offer my comments in a tough but fair way. Many of these people to whom I have made reference, the parents, the students, the trustees, the teachers, the taxpayers, are not always happy about all that was done in the 1960s and 1970s. They remember a circumstance when there was at least a more open, generous and consultative attitude. They remember the member for Scarborough North (Mr. Wells), and I remember him, as a minister who was in the best tradition of John Robarts and Mackenzie King, a great conciliator, a moderate seeking the middle road—

Mr. Bradley: A man of consensus.

Mr. Conway: A man of consensus, as the member for St. Catharines wisely points out.

Many people in the educational community remember the Premier in like fashion. It is against that backdrop they look now at the past six years. What do they see? What do they feel?—that may be a better way of putting it. They feel the lashes of the minister's whip. They feel

the bruises of the minister's heel. They feel they are shut out of the consensus that is so important to educational progress. Time and time again they have been forced to appeal to the Premier as a final court to get redress.

I do not agree that in all cases members of the educational constituency have been right in doing that, but I do agree that, generally speaking, they have been very wise. They have had to appeal to that final court out of necessity because of the minister of all education. We all know the Minister of Education to be a formidable lady who works tirelessly at her job and for whom I have a considerable grudging admiration because I, too, have felt the lash and the heel of the minister's wrath.

Hon. Miss Stephenson: Start shovelling again. The member is a great shoveller.

Mr. Conway: I am trying to be reasonable and I am trying to be balanced.

The intransigent attitude of the Minister of Education and her attitude of "Doctor knows best," where she says, "I, Bette Stephenson, have diagnosed the illness and here is the medicine; take it and shut up," is not good enough for the people of Ontario. That is the kind of policy that has created the ferment in education in Ontario today.

Therefore, I must say the present minister of all education has, unhappily, exhausted her mandate in the educational field. As long as there is a Progressive Conservative government, I think her talents could be more appropriately utilized at Management Board of Cabinet where, God knows, whips and spurs are the order of the day.

In this debate, I want to offer the present and future leaders of the Conservative government an option for the not inconsiderable abilities of the Minister of Education in this government today. They should make her Chairman of Management Board. They should put her in charge of the Civil Service Commission and the Manual of Administration. They should give her a place in the executive council where she could ventilate and give full scope to her right-wing enthusiasms. I can think of no better place than the Management Board where she could crack the whip on the member for London South and other free-spending ministers and government officials.

The minister has exhausted her mandate as Minister of Education. I implore her political supervisors to give her new responsibilities so long as there is a Conservative administration in this province.

I want to conclude my brief opening statement by addressing the university question. The member for St. Catharines and the member for Kitchener-Wilmot (Mr. Sweeney) will deal with other aspects of my motion.

It was five years ago, in considerable frustration, that many people in the university community went to the Premier, over the head of the present Minister of Education, and said: "Mr. Premier, our universities in this province are in trouble. We are in a crisis. We must have either a new mandate or better resources. Please do something because we do not appear to be getting anywhere with the present minister."

The Premier appointed a blue-ribbon panel to investigate the future role of Ontario universities. The co-ordinating chairman of that blue-ribbon panel was none other than the former Deputy Minister of Colleges and Universities, the well-known Dr. Harry Fisher. In the summer of 1981, his panel reported university administrators and others at the board level were quite right and justified in drawing these concerns to the attention of the public and the government.

4 p.m.

In the summer of 1981, the Fisher panel said: "We must do one of two things. We must either alter the mandate and scale down the commitment, or maintain the mandate and the commitment and upscale the financial resources. There is no alternative and, worst of all, there is no opportunity for muddling through. Do something."

What do we get two and a half years later? We get a commission to study a commission. The member for Nipissing (Mr. Harris) has in some ways a more direct interest in this latest commission than I do because its mandate was expanded to include the complex question of university program development in northeastern Ontario. I say to him we are now six years away from the time the leaders of our university community went to the Premier and said, "Do something," and we are still being commissioned about it.

The fire has spread well beyond the ground floor. The minister need do nothing but review the most recent report of her senior advisory panel on university affairs, the September 1984 report of the Ontario Council on University Affairs. It paints an incredibly unhappy picture of the financial situation in which Ontario universities find themselves. That report from the senior Ontario government advisory panel on university affairs says things are bad, they are getting worse and Ontario's record as a provin-

cial government is among the worst of any, provincial or federal, in the Dominion of Canada.

In a recent report the Council of Ontario Universities documented in an elaborate series of charts how the provincial government has been reducing its share of support for post-secondary education in this province, forcing the federal government to pick up an increased share. The OCUA report documents that and reinforces it with all kinds of new data.

Hon. Miss Stephenson: Yeah.

Mr. Conway: The Minister of Education in that eloquent way of hers, says, "Yeah." I want more than a yeah response to the Fisher report and the OCUA report. I want a lot more than that offered by the Treasurer (Mr. Grossman) two or three weeks ago when he said that part of the answer was: "Make the students pay. Hike the tuition substantially."

Can one imagine the member for Kingston and the Islands (Mr. Norton) having to go home next April or May and meet his electors with the Treasurer's tuition monkey on his back? It is not for no good reason that the member for Kingston and the Islands is supporting the member for Don Mills (Mr. Timbrell). My friend the well-informed member from Kingston and Queen's University knows only too well the concerns of the students, faculty, staff, parents and rate-payers.

What we ask from the the minister of all education and what we ask from this dying dynasty, this tired, worn-out Tory government of 41 years and four months, is some sensitivity to the real questions and challenges that face us in education in Ontario today. As critic for the Ministry of Colleges and Universities, I beg my friends the members for Oxford (Mr. Treleaven), Carleton and Carleton-Grenville (Mr. Sterling) to come forward and bring to bear the pressure I know they are finding at home about these matters, unresolved after 14 years of this administration.

I conclude by saying that as the sand drains through the timer—

Hon. Mr. Norton: The hourglass.

Mr. Conway: The hourglass. I thank the minister.

These are serious questions that deserve more than commission piled on commission. What are the constituents going to have when the Premier is gone? What court of appeal will they have? Will it be the member for St. Andrew-St. Patrick (Mr. Grossman) saying, "Up the tuition?" Will it

be the member for Muskoka (Mr. F. S. Miller) saying, "Sell the university of XYZ?"

Imagine what kind of world we might find ourselves in when, in February 1985, we get the first Tory Premier in more than a quarter of a century who has not had personal experience of the educational community. I ask the mandarins under the press gallery and I ask the front- and back-benchers on the dynastic benches of the Tory party to imagine what we might find ourselves in as the winter snows pile up in February 1985.

There is altogether too much concern, altogether too much pressure that has gone unresponded to. Because of that concern, people in places such as Renfrew, Bruce, Huron and St. Catharines have told us, "Get up there and tell that minister and her colleagues we have had enough, and enough is too much." There is no confidence left in the Tory government's ability to meet the pressing needs of education in 1984; so they say, "Throw the rascals out and let there be new leadership and new creativity to address these matters."

[Applause]

Mr. Allen: Mr. Speaker, I gather that was a postlude to the last address and not a prelude to the next one.

I rise on behalf of our party to support the motion of no confidence moved by the member for Renfrew North (Mr. Conway). As I first read the motion, and indeed as I read it now, I am sure the member will forgive me for observing that it reads somewhat like the attempt of a wandering and somewhat harassed politician, undoubtedly careering between Wentworth North, Hamilton Centre, Ottawa Centre, Prescott-Russell and Ottawa East in search of not only election fodder but also educational issues. Undoubtedly, he has found some.

It is a wide terrain and large geography to canvass and it says much for the energy of the member for Renfrew North that he was able to do so exhaustive a job. At the same time, I must say a certain amount of his harassment is evident in some of his comments. I myself would not have used the word "sabotage." I do not think the minister or any of her officials are deliberately sabotaging education in Ontario. There may be undermining and it may be regular, but I am not entirely sure it is wilfully and intentionally systematic. I think there are reasons that language can be used and be seen to be used with some measure of plausibility.

I also miss in the motion some sense of focus. While the member concentrated very heavily on

at least the apparent aberration of the Premier of this province from past ways and past views and while he concentrated upon the educational issue and latterly upon the minister herself, I missed any sense of an underlying reason that these things have been happening in our province and that we should be subjected to a regime of educational turmoil, of institutional confusion, of an occasional style of an authoritarian personality, if one likes, marked here and there by wistful flights of fantasy.

4:10 p.m.

What are we talking about? We are talking about 4,500 schools. We are talking about 85,000 public and separate schoolteachers. We are talking about 1,800,000 elementary and secondary students. Alongside that are some 507 private schools and 83,000 students with whom we do not have to bother, although 30,000 of them are in Roman Catholic private schools and will shortly be in the public sector.

We are talking about 22 colleges of applied arts and technology, which contain more than 120,000 full-time students; part-time students run to 500,000 and there are more than 7,000 faculty members. There are 16 universities with full-time enrolments of 187,000 students; part-time and full-time equivalent students are 96,000; faculty members number 13,000 and so on.

In addition to all that, there are hundreds of trustees, members of boards of colleges and universities and numerous advisory committees. It is a mammoth sector of Ontario society we are concerned about in this debate.

In the first instance one has to observe that a certain style is becoming plain and characteristic in the operation not just of the current minister or of this administration, but in the last two decades of education policy and in the way it is handled in this province. In some respects the style is as important as the content because it sets the tone for all the rest. It sets the tone for relationships within the system. It sets the tone for whether this Legislature is a respected body from which emanates policy that fundamentally governs the most important elements that relate to the social sector of this province's life.

When the minister recently laid before us her statement on affirmative action, I was interested to note that the last paragraph began with words that had to do with the importance of boards providing role models for their students. It occurred to me that surely it is politically important for the ministry and for the government in the whole area of education policy, in the

way it is developed and in the style in which it is applied, to present a certain role model to those hundreds and thousands—indeed, millions—of students who inhabit the education system of this province. When I look at the minister, at the ministry and at the government, I find major problems in that respect.

During the past two decades we have seen perhaps the most significant policies relating to social development and social impact pursued, promoted and developed by this government and its antecedent without any really significant or substantial reference to this body.

The Hall-Dennis reforms wandered around out there, and there was a certain pattern of consultation; there is no question about that. But were they ever debated? Was a decision ever made in this House about them? No, it was not.

When it came to the reformed style of the open classroom concept, to which so many teachers found it so difficult to adjust, rightly or wrongly, the decision to adopt it was not made in this place. When it came to the Ontario Schools, Intermediate and Senior Divisions reforms, which are just now being implemented, again there were committees, groups and discussions. But was there a reference to this chamber? Not a word of it. There was no decision about whether this was the appropriate direction for education in the latter 1980s, into the 1990s and perhaps beyond.

Then last June there was the issue of the completion of the Catholic system. That was again a prime example not only of an absence of consultation, highlighted by the failure to include even the minister in the process of consultation, but a simple, presidential directive that this shall be. Then the commissions were announced and now they are at work, and it shall be.

It is the style that is the problem. It is the failure to respect the complete processes, not just of public consultation but of democratic decision-making which finally, for such public institutions as the educational sector, reside in this assembly.

With respect to the minister herself and her style, we have seen the style of confrontation time and time again. We have seen it over the college of education issue. We saw it in the Bill 42 attempt to create a regime of bludgeon in place of a regime of trust between the ministry and government on the one hand and the universities on the other. When that failed, the Bovey commission was instructed to find ways to cut back and reduce the system.

Then there was a college strike in which the minister was hand in glove, compromised, an accomplice on one side of the dispute. She refused to recognize that and act accordingly, withdraw herself and maintain a distance from which she might have had some respectful influence in the dénouement of that issue. She did not do so.

There are her pronouncements on the subject of legislating access for non-Roman Catholic students to the separate school system. Her style, taken hand in glove with the previous observations about the style and direction and the policy formation process that have marked the great educational steps of the last two decades, gives one an uneasy feeling that one is witnessing some kind of crisis in the Tory personality, perhaps even a crisis in what someone has referred to as the authoritarian personality. Certainly, it hardly represents the consummation of the once proud and once bold Conservative tradition in Ontario.

Compare the minister's last two statements in her Education estimates. A year ago we were being treated to observations about the increasing breakdown of social consensus, the rise of narrow group interests in matters affecting schools, eroding the whole, fragmenting society seriously, self-interest groups living apart in suspicion of each other, all factors that tend to split and reduce society to disarray.

We had none of that this year. This year we were treated to a sound and light show with the most advanced technology available, given soothing words about excellence in the system and told about the super-omnicompetence of an administration that was keeping everything moving smoothly towards its grand, predestined end.

I asked the minister which of these two worlds is true, which of these two worlds the real one? The minister revealingly said both of them are true. Well, both of them are true, but the interesting thing is they represent two sides of the Tory personality. They represent beleaguered defensiveness in the face of the modern world, which is very difficult for the Tory mind to accommodate. At the same time, there is that resort to the shiny technological fixes, to the superbureaucratic solutions. It is not surprising to see the minister, and occasionally the ministry, indulging in fantasy to resolve the tensions that beset them.

4:20 p.m.

I remember two years ago when I first came here, I saw a sound and light show that was magnificently impressive. Among other things,

it told us of the implications for education of the phenomenon that when one reverses the rotation of one set of atomic particles, the rest follow suit. Somehow that seemed to suit the lurking authoritarianism of the minister's mind. What could be a more appropriate model? If one could simply turn the electrons in another direction, all the rest would follow.

We also learned about the chimpanzees on one island in the South Pacific which suddenly and mysteriously picked up exactly the same behaviour traits as others isolated from them on another island; as in that case, one establishes a model classroom, one twists and turns and everybody falls into place. If it does not go right, then self-interest groups will move in on the system and attempt to erode it.

The minister does not understand that it is an immensely complex world out there. There is bound to be pushing and pulling, there is bound to be disarray of a certain kind, and of course, one has to accommodate that. When we asked the minister who the self-interest groups were, she could not tell us.

The minister is caught between two fundamental forces in education policy. One is a teaching constituency that is essentially humane in its perspectives. On the other hand there are the supercorporate executives who, as polls by the Ontario Institute for Studies in Education recently told us, are not interested in humane education so much as in creating those skills that will assist them in organizing work places based on routine labour. The minister is caught somewhere in between and has never resolved her education policies; nor, indeed, has the government.

There are issues all the way through this whole system. In the course of the past year we learned of the major problems in the kindergarten programs where, probably most appropriately with reference to what I have just said, we are told children are no longer learning on the basis of play; they are learning on the basis of rote, repetition and mechanical materials.

From the Science Council of Canada we learned of the problems of science education in the primary and junior years and of the absence of trained science teachers in the intermediate years. We know there is an absence of a consistent stream of technological education throughout the school system and a woeful inability to move life skills education into the earlier years of education in a meaningful way.

We know there are immense problems with respect to the general-level students, not just with

OSIS but more generally speaking. When I tried to raise this issue with the minister, she told me there was no such thing as general-level students. Then I went back to my office and saw there were two studies by the Ontario Secondary School Teachers' Federation that talk about general-level students and found there is a standing committee in my own ward devoted to the concerns of general-level students.

Of course there are general-level students. After all, we cannot simply define them all out of the system. They are there, and their problems in obtaining access to genuine and meaningful education are immense.

We saw what happened last year when the OSIS reforms, which are intended for a certain kind of élite group destined for the university system, fouled up general-level students by tempting them into too early registration in the core curriculum. We saw the disaster that overtook the technical courses.

When one looks at the college system, one finds an unrationalized system whereby general-level students find themselves competing unfairly with former university students, partially completed university students and grade 13 students all in the same classrooms.

When one moves beyond the college system into job skills training for those same graduates, one finds they are caught up in manifold problems whose surface the ministry has not even scratched.

The ills that beset apprenticeship training and critical trades training are quite incredible. For example, if one looks at the failure of the minister to take up the moneys that have been made available to her by various other federal programs, one finds not only that the Provincial Auditor's measly \$3.7 million has not been taken up but also that there is a whole \$28.4 million the minister has not availed herself of in the area of critical trades training to provide for thousands of training places and jobs.

When we look at the university system, as my colleague the member for Renfrew North did, again year after year we have been treated to the shameful statistics that have told us this system is in 10th place out of 10 provinces in terms of per capita wealth, expenditure over gross provincial product, average increases in budget provided over the past decade and per student supports. That is an incredible situation for the province that has the largest university system in this country and that ought to be the lighthouse of the whole country in that respect.

More recently I looked at the Report of the Task Force on Research Infrastructure of the Natural Sciences and Engineering Research Council of Canada. This government, which pretends to be so much with it in terms of its technological centres and its support of research, needs to read this paragraph on page 16 of the introduction:

"The ratios shown in the last seven lines of table 3 provide useful comparisons by region of current infrastructure support and needs." It goes on to talk about there being "fairly uniform" support "from region to region. Ontario, however, stands out as being very low in relation to other regions in all categories...only 60 per cent that of the rest of the country...A major reason for the anomalous position of Ontario can be found in table 10, which has to do with the recent funding history of universities by that province."

It is the same as we move from the university sector into the area of continuing and adult education. Once again there is a crisis of major proportions the ministry simply is not addressing. The minister will tell us that adults can go back to school; they can take part in this program or another and they have free access to the school system for the equivalent of grade 12 or 13 education. What is not in place are programs with appropriately designed materials for adult learners. Boards that supply basic education still use, for most of their staple fare, the day curriculum materials. They still often use teachers who come from the day school program. In other words, they use the same materials and personnel from the system against which those in search of basic education often were in revolt in the first place.

What is needed in that respect is a quite new and distinctive sector, with its own materials and teachers with their own peculiar training for those special tasks of upgrading those who are functionally illiterate and those who have missed very important elements of basic education.

A recent report on this says the ministry is well intentioned, but while the motivation is there, funding is not. Ministry funding is locked in a system where 15 students will generate one teacher, but most experts agree that adult literacy programs work best on a one-to-one basis.

When some groups try to resolve this problem, they have to set up their own little bureaus on \$2,500 grants. The adult basic education project in Hamilton is a good example; it has to go around and scrounge—and I could read the list of about 15 or 20 different community groups and companies and so on—for this, that or another

thing, and even to publicize its activity and to get itself operational. In the face of the challenge of basic re-education and training this province needs, that surely is a scandalous situation.

As one looks across the front of the educational undertaking in this province, one is confronted with major problems of style that create major problems of division which put this Legislature to one side as a major decision-making element in the whole process; indeed, as we have seen, they sometimes put the minister to one side as a significant decision-maker in the process.

4:30 p.m.

We see content, program and funding to be quite inadequate to meet the need which this province has for moving into the late 1980s, a new technological era in which much that is new in education is necessary. Yet we look across the decade of underfunding and we do not see any change. We see a province that continues to decline in terms of the proportion of the provincial revenues devoted to education. In terms of percentage of gross provincial product, we see a province that is declining in its commitment to education.

The investment is not being made. There is no investment in now, no investment in teachers, students, educational programs and buildings, the rock—if I can use the figure the previous speaker used—on which we will build the future of Ontario, and not just of Ontario's education. There is nothing in which we can put a greater trust than the worthwhile investment of dollars spent for our own wellbeing and the future wellbeing of students yet to come.

I rise to support this motion, as do my colleagues the member for Port Arthur (Mr. Foulds) and the member for Oakwood (Mr. Grande). By making the remarks we are making, we hope we will at least have some input into a long-neglected process. We hope it will be revived by select committees on education and by a more continuing process that will involve this Legislature in coming to grips with the major critical issues that beset education in Ontario today and that lie unquestionably at the door of the current minister, her ministry, this cabinet and this government.

Hon. Miss Stephenson: Mr. Speaker, if I may take this opportunity, I should like to respond to some of the points raised in the motion made by the member for Renfrew North.

I truly regret that in the vise-like grip of rhetorical indulgence in which the honourable member has allowed himself to be fastened, his

overuse of hyperbole and emotive language fails to give a semblance of credibility to much of what he attempted to say, either in the motion or in his superb thespian performance this afternoon. I felt strongly we should give him an Oscar for that one.

Those stage acrobatics are obviously very useful in places such as Renfrew North. I doubt that any members of the press gallery were here to pay any attention to them, which was a disappointing situation for the member. I will applaud his performance at present, but the content is less than worthy of applause in most circumstances.

In spite of the remarks of the member for Renfrew North, I must remind the House that no government in this country or in any jurisdiction has been more open in its conduct of educational affairs than has this government. Very early in my tenure as Minister of Education and Minister of Colleges and Universities, we proceeded to develop the governmental response to a document that had been required by my predecessor the member for Scarborough North and was researched by Dr. Robert Jackson.

It is the Jackson report of the Commission on Declining School Enrolment of which I speak. Very early in my tenure as minister, we began the process of providing a systematic and detailed response to Dr. Jackson's extensive report. I must tell the members of this House that report stands even now as one of the major research activities and one of the foundations of solid knowledge around the world, in the English-speaking world particularly, in regard to the plans that might be developed to cope with the problem of declining enrolment. Dr. Jackson's report is one of the vital documents in the hands of ministries of education in Britain, Germany, Australia, New Zealand and many other parts of the world at present.

As a result of that document, we developed a program for education that contemplated all the matters Dr. Jackson raised. We looked carefully at the rationale for the positions he had taken with respect to his recommendations and we outlined some changes we felt to be necessary in the light of the total situation in which education, particularly at the elementary and secondary levels, found itself at that time and continues to find itself in what is probably the period of most rapid sociological change the population of the world has ever seen.

It is all very well for the members opposite to suggest there is turmoil in Ontario; I must remind them that in all the world there is turmoil that has

precious little to do with the establishment of educational programs and that has much more to do with a great deal of sociological metamorphosis that is proceeding at a rate unheard of in human history.

The document I am speaking about, *Issues and Directions*, was released publicly in June 1980 and distributed widely. It addressed the goals of education and the organization of program, at the elementary level in particular, and it strongly suggested we would be addressing curriculum at the secondary level as a result of an activity in which we had already become involved, the review of secondary education in Ontario.

That document addressed the organization of program at both levels, the matter of educational finance and the problem of school accommodation, in an era of rapidly changing school enrolment, which was a change that our school system and many others had never before faced: instead of having to meet a rapidly growing school population head on, we were looking at school population growth that was slowing down relatively rapidly.

That publication addressed matters related to the teaching profession as well. It addressed matters related to teacher education, to certification of teachers, to professional development, to governance of the school system and to matters of administration. It looked at matters of French-language education, and it looked at strategic planning for the future, an activity in which this Ministry of Education, unlike most other ministries of education in the western world, has been involved since 1979.

Strategic planning continues to be an important part of our ongoing activity and provides us with guideposts by which we feel we will progress in education in the future at the elementary, secondary and the post-secondary levels.

Mr. Foulds: That is jargonistic claptrap and the minister knows it.

Hon. Miss Stephenson: It is not jargonistic claptrap.

Mr. Foulds: It certainly is, and I am surprised a minister of her calibre and intelligence would use it.

Hon. Miss Stephenson: Those who do not plan for the future tend to have the future run what happens or run what they are hoping to develop.

Mr. Foulds: Does the minister mean she made all her proposals about education before then without planning?

Hon. Miss Stephenson: We are trying sincerely and actively to ensure that we have appropriate planning mechanisms in education in this province. We have been actively involved in that, in spite of the rantings of a former school teacher from Thunder Bay.

Issues and Directions was a publication that provided a blueprint for much of what we have been doing in education ever since. Four years later—in fact, just a month ago—we released a follow-up volume called Update '84, which details exactly where we stand with respect to the measures outlined in the earlier document and what we are proposing to do in the future in relation to matters that have arisen tangential to those we looked at in 1980.

4:40 p.m.

In all of this, we have proceeded openly through what can only be called exhaustive consultation. We have been in dialogue—if that is the kind of word the member for Port Arthur thinks we should use for that kind of activity—we have been in consultation and discussion with all the constituencies affected within the school system.

We have been in dialogue with the teachers' groups, with the school trustees, with parent-teacher associations, with home and school associations, with student bodies, with people who are simply interested in the school system, with those who represent the college system at the faculty, board and administration levels and with all groups at the university level. Unlike the member for St. Catharines, we listen extremely carefully to all of them.

Weighing the balance among all the opinions is the responsibility of the Ministry of Education, and it is difficult, I know, for some constituencies to understand from time to time that consultation does not necessarily mean complete capitulation to those groups' particular opinions. It must be the distillation of the logical examination of the positions of all of those and the absolute need at the elementary-secondary level to put at the leading edge of all our thinking the welfare and the educational future of the children involved. This continues to be the only reason for the existence of our education system.

Perhaps it is because our agenda has been so open for all to see and to respond to with vigour—because we have had that kind of response—that there has been such a great deal of response. The kind of response we have had is very valuable, in spite of the fact that the member for Renfrew North chooses to interpret this as divisiveness and confrontation. It is neither

divisive nor confrontational to listen to these opinions and to play a part in that consultative process on a regular basis.

Mr. Conway: Bill 127; seven schools—

The Acting Speaker (Mr. Cousens): Order.

Hon. Miss Stephenson: I would remind the member for Renfrew North that in spite of all his machinations and in spite of all the nefarious activities—that is probably an unparliamentary word—in spite of all the peculiar activities of the member for St. Catharines, the effect of Bill 127 has been more than salutary upon the Metropolitan Toronto school system. It has now provided for unified action on the part of all the boards in most circumstances.

Mr. Bradley: That is because we forced an amendment on you.

The Acting Speaker: Order.

Hon. Miss Stephenson: I will not respond to that, because nothing of any value in the bill was precipitated by the member for St. Catharines. It was the principle of the bill that produced the value it has achieved.

The motion of the member for Renfrew North complains that the government's share of costs for elementary and secondary education has declined significantly. The year he always chooses to compare, of course, is 1975, a year in which my predecessor made a very significant additional commitment in support of teacher qualifications in Ontario.

The motion, however, does not acknowledge the fact that the provincial grants on a per pupil basis have increased at a rate that has been greater than the increase in the consumer price index during the entire 15-year period from 1970 to 1984. In fact, between 1970 and 1984 the general legislative grant per pupil increased by 316 per cent as compared to a 199 per cent increase in the CPI. That is factual.

Furthermore, it does not acknowledge that the average mill rate of the property tax of the individual taxpayer in this province during the same period has increased by only 144.5 per cent, significantly less than the rate of increase in the CPI during that period.

It is a curious principle of fiscal management that any government should be asked to commit itself, regardless of the health of the economy, to a fixed share of an open purse or a movable amount of money.

Mr. Bradley: That is what the minister said in 1973.

Mr. Conway: Do not keep the promise; that is what Bill Davis said.

The Acting Speaker: Order.

Hon. Miss Stephenson: It has been publicly stated that it is our goal and objective to reach the proportion Dr. Jackson suggested was appropriate: 60-40. It is also our goal to ensure we maintain local accountability with the provision of at least 40 per cent of the tax from the local level. With respect to the educational system, it is not a regressive tax. It is a required tax to ensure the locally-elected trustees are directly accountable to those who elect them in the local community.

The motion of the member for Renfrew North states we have "an unarticulated policy" resting on the perception that universities were overbuilt in the 1960s. That policy is unarticulated because it does not exist. It only exists in the fertile imagination of the wonderful member for Renfrew North who spends all his time dreaming about what might be if he were ever to be across this floor as a member of government. Dream on, my lad, you will be 99 before it happens.

Mr. Conway: Tell us the regime will last for 1,000 years.

The Acting Speaker: Order.

Hon. Miss Stephenson: I would not dare tell the member that. I would not consider telling him that because it will last at the will of the people of Ontario. Unlike the members opposite, the people of Ontario know they have been extremely well served by all facets of this province's government, particularly by its educational system.

Interjections.

The Acting Speaker: Order.

Hon. Miss Stephenson: If we were convinced we had overbuilt our university system, we would have very radically altered our funding policy for the universities by now, rather than taking an extensive and I think energetic series of consultative measures to find a more appropriate policy.

The Commission on the Future Development of the Universities of Ontario will be reporting either by the end of this week or early next week in an almost complete form. I have made a commitment that the document will be available simultaneously in both languages. That commitment will be met. As a result, I believe we will have the report for public distribution very early in the new year.

Some members of the university community have expressed a concern that it will not be a part of the discussions of leadership candidates. I do not believe that is true. I believe the availability

of that document at that time will give the leadership candidates an opportunity to look at the recommendations of the Bovey commission and to decide in their various ways whether there are measures which they, as candidates, feel they can support.

The Ministry of Colleges and Universities will be looking very carefully at this. We feel strongly that we will be required to take some actions relatively soon after the release of the report.

It seems to me we have not been guilty of making autocratic or unilateral decisions related to the educational system, particularly in the area of post-secondary education. I would remind the member those "modest provisions" the government has made for university capital needs in this province have amounted to a quarter of a billion dollars since the 1974-75 fiscal year.

4:50 p.m.

In my humble opinion, this is not a small amount of money. It will be necessary to continue with that provision to maintain our excellent university system. It will also be necessary to do what we have been doing in the last three years; that is, providing a percentage increase in university funding which is considerably above the rate of inflation, unlike the dramatically reduced transfer payment we received from the federal government in those years and unlike the grants made by our sister provinces during that time as well.

I have no talent for hocus-pocus or juggling or balancing things in the air. I can only base the kinds of decisions that must be made on facts and solid information.

Mr. Foulds: Do not sell yourself short.

Hon. Miss Stephenson: I would not sell myself short. I am short, so I cannot sell myself short.

The quality of education was a tangential concern in the recent college system dispute, but members know the central issue was that agreement could not be reached on the assignment of work loads and salaries. Those matters are to be addressed. The name of the arbitrator who will deal with them will be forthcoming as a result of communications received today from the representatives of the union. The committee which will be examining, in a task force setting, the problem of assignment of instructional responsibility, will provide—

Mr. Bradley: Again?

Hon. Miss Stephenson: No, for the very first time. The member should check his facts.

That committee will be working very carefully to ensure we provide the solid foundation for the method by which resolutions of the work load issues may be reached either by negotiation or, if necessary, through arbitration. One would hope it will be through negotiation.

At the elementary-secondary level, we have been diligently pursuing the very important goals of ensuring equal educational opportunity for all the children of Ontario. I do not believe we have achieved that, but we have been pursuing that goal. It has been one of the encouraging and stimulating aspects of my time as Minister of Education and Minister of Colleges and Universities that we have been able to enlarge upon the philosophy first established in elementary-secondary education in this province by Egerton Ryerson. He felt very strongly that all children should have an equal opportunity for education no matter where they came from or what their circumstances were.

We have done that in the provision of Bill 82, which is landmark legislation in the world. The legislation was developed after seven years of consultation with all those who could be directly involved with all the specific interest groups and those who had drafted legislation in the United States, so that we might produce legislation that would provide the equal educational opportunities for exceptional children without the kinds of pitfalls the United States, unfortunately, seems to have fallen into.

We carefully proceeded with extraordinary concern and preparation. We specifically analysed all matters related to the provision of these measures in the school system, including the matter of cost. This House, I remind members, unanimously carried and supported the concept of Bill 82 when it was introduced. We have added—

Mr. Foulds: Mr. Speaker, on a point of privilege: The minister should review the debates on Bill 82. Although all parties voted for the legislation, during the course of the debate there were a number of principles and bureaucratic nightmares the legislation created that both opposition parties objected to.

The Acting Speaker: That was a point.

Hon. Miss Stephenson: Was it a point of order?

Of course, there is debate during legislation, but indeed all parties did support the provision of this legislation. I think they all supported the concept that we should add additional funds to the general legislative grant on an annual basis in order to provide each of the school boards with

the flexibility to implement the provisions of Bill 82 in the most appropriate ways at their then level of educational sophistication in special education.

We have added those amounts of money on a regular basis; the amount added in 1984 is \$108.2 million over and above the amount provided on a per pupil basis for every student right across Ontario.

The implementation of Bill 82 has been a matter of interest, concern and enthusiastic support within the Ministry of Education. It has been part of the activities in which the ministry has been vigorously involved in the past five years. By May, we will have the final report of the plans, structures and functions available within each board of Ontario to meet the needs of all children with exceptionalities.

By that time we will have also completed a very critical assessment of the cost of the provision of special education to all the boards across Ontario. If there are modifications to be made to the funding mechanism, which has not as yet been devised for the years following 1984-85, then we shall look at the ways in which those funds are provided to ensure the principles of Bill 82 are supported throughout the school system as vigorously as it is possible to support them.

It is key to the thinking behind the motion before us that the appointment of commissions or committees for careful examination of difficult issues in education, such as the future of our university system, is a destructive predilection on the part of the government. I am sorry the member has disappeared again; I was hoping I might determine from him the definition of "destructive predilection," since I did not from his presentation.

I would like to ask him which of the problems referred to the commissions and committees in recent years are unworthy of careful consideration and extended consultation. It is a curious point of view that a responsible government should act by knee-jerk reflex rather than on the basis of information placed before it as a result of such consultation.

It is ridiculous to charge this government with refusal to respond to the growth and the popularity of the community college system. Since 1974, the full-time enrolment in the system has grown by 60 per cent. If that is a failure, I have to ask what a success is. The growth of the college system is the result of the quality of the educational programs provided; the continuing review and relevance of all those programs as a

result of the active participation of those with concerns about the technical procedures, technical programs or technical courses, or the employment in which these young people will be involved after they graduate.

5 p.m.

It is very much a part of the commitment on the part of faculty members, the administration and the community that the college system has been as successful as it has been. The college system has provided some guidelines for other parts of the educational system as well, in that the encouraged and much-wanted participation of the community exterior to the school building or the college itself provides the stimulus of intellectual activity and the stimulus of vigour on the part of all those functioning within the college or the system itself. I see the other parts of the educational system becoming more actively involved in considering seriously that kind of participation, which I think is an excellent idea.

It is, however, equally ridiculous to charge the government with intransigence with respect to the new Ontario Schools, Intermediate and Senior Divisions measures for secondary schools. The secondary education review project was one of the most open and extensive processes of consultation with all, and I repeat all, constituencies within the educational system that has ever been mounted by this or any other government.

Mr. Bradley: In the whole world.

Hon. Miss Stephenson: I do not know about the whole world, but any other government I know about.

There were more than 5,000 submissions. There were innumerable consultations dealing with the original SERP report. These consultations and submissions touched tens of thousands of people in Ontario and that whole consultative cycle was repeated with respect to the document outlining the government's proposed response, the Renewal of Secondary Education report, which finally led to the OSIS drafts that have provided the framework for the direction of education at the secondary level for the next decade or two decades in this province.

If this is an example of undermining and sabotaging the system, as the member is so fond of describing it, or of confrontational and intransigent policy, then I would submit that rational change in the educational system is an impossibility. The matter of grade 13 was referred, as the member knows, to the secondary education review project, which looked very

carefully at that whole matter and provided interesting information that was not conclusive.

The Minister of Education did not at any time suggest there would be a decision one way or the other. It was a matter that was very much a part of the review of secondary education in this province, and quite rightly and rationally so. It is illogical of the members opposite to suggest that one would not look at that particular circumstance in a very critical review of secondary education in the province. The sensible thing is to ensure it is included in that study.

Caveats have been expressed regarding much of educational policy. That is something to be anticipated because, to my knowledge, no educational view is ever unanimously supported. I do not believe there has been a policy on education that has been introduced anywhere, at least in the western world, that has not had either enthusiastic support from a vast majority or detraction from a significant minority.

Any responsible government must at times override caveats from those who are participating directly in the provision of a service when changes are asked for by a much larger constituency, and particularly by the constituency that uses and pays for the system. We must remember that the taxpayers own the educational system in this province. It is not owned by the government and it is certainly not owned by anybody other than the taxpayers who support it. They have the right and the responsibility to be heard in matters that relate specifically to the provision of educational programs in Ontario.

As to the provisions for French-language governance, which the honourable member has listed as one of his concerns, he knows perfectly well we are introducing a bill, I think on Thursday—certainly before the end of this session—to provide for governance by francophones of the French-language system of education in this province.

It is a measure that has been carefully arrived at after very broad and full consultation with all the affected constituencies. That process was absolutely essential in order to avoid the confrontation and divisiveness the honourable member likes to talk about, which would certainly have been aroused if we had acted precipitously and without adequate consultation.

That governance mechanism will provide for a very significant measure of control of francophone education by French-language trustees within Ontario in a way that will ensure their continuing input to and control of that educational program.

In the area of the extension of funding to separate schools, I might ask the members of the parties proposing and supporting this motion why just a few months ago, if they do not like it, they so unanimously greeted the government's decision as a long overdue measure of justice to the Catholic community. If they really did not feel that way, why did they not say so in the House? Why did they behave in that manner within this House? Why do they go on perpetrating—

Mr. Conway: Because I found the hypocrisy breathtaking. I found the hypocrisy of the government suffocating.

Hon. Miss Stephenson: Is the member speaking?

The Deputy Speaker: Member for Renfrew North, the minister has the floor.

Mr. Conway: I found the hypocrisy indigestible.

The Deputy Speaker: The interjections are not in order, nor is the taking of the floor. Member for Renfrew North, please restrain yourself.

Hon. Miss Stephenson: Thank you, Mr. Speaker.

I find it very entertaining that the master of hypocrisy talks about hypocrisy.

Mr. Conway: I remember 1971. I have been consistent. My honour on this question is a whole lot better than that of those over there because I remember what was said in 1971 by this government.

The Deputy Speaker: Order. It is fine to have a heated debate and make your points, honourable members all, but remember we have rules regarding your choice of language. I would again ask the member for Renfrew North not to interject when the minister is making her remarks.

Mr. Conway: Mr. Speaker, on a point of privilege: I will make this very brief. As a member of this Legislature, a separate school supporter, a product of the separate school system and a long-time Ontario Liberal, this strikes at the very heart of much of my political being. I find it extremely and personally very difficult to deal with this question because I remember all the pain, the sorrow and the attitude of the other side 14 years ago.

The Deputy Speaker: Order. That is not a point of privilege, with all due respect. Would you please take your seat. If it was anything, you were trying to make a point of order. But despite

the strong feelings you have conveyed to us, you must still restrain yourself. You have had your time to debate and you are biting into the time of others.

Mr. Foulds: Mr. Speaker, on a point of order: I think I heard the minister call a member of the opposition a master of hypocrisy. I believe that is unparliamentary and I would ask you to ask the minister to withdraw it.

The Deputy Speaker: We certainly had a very heated exchange and other language that is not acceptable was being cast back and forth. But let us ask the minister if she did indeed use that term.

Mr. Conway: Mr. Speaker, I said I found the hypocrisy of the government on this question indigestible and suffocating. If those words are unparliamentary—and they probably are—I will withdraw them.

5:10 p.m.

Hon. Miss Stephenson: Mr. Speaker, I will be pleased to withdraw mine, but I will tell the House why I used them. May I do that?

It is reiterated frequently by the front-bench members of the official opposition that I was once a Liberal. I will tell members the tale of that.

Interjection.

Hon. Miss Stephenson: No, I was not.

In 1971, I was approached by an emissary of the then leader of the Liberal Party in this province and asked to run for the Liberal Party. This was because my first cousin was an ardent and active Liberal. He is now an ardent and active Tory. He was so disillusioned by all of this that he has converted totally. Damascus had nothing to do with it, but Pierre Trudeau had a lot to do with it. That emissary came to see me and in very supplicant terms—that is the only word I can use—suggested I seriously consider this.

I considered it in a superficial manner because this whole debate about extension of funding for separate schools was very much a potential issue at that time. I tried to find out the Liberal Party's position on it. The information, which was relayed to me, not once but on four separate occasions by four different people, was that during the election they were going to support the principle of extension and after the election they were going to say they had not meant it.

When I discovered that was the position of the Liberal Party, I decided I wanted nothing ever to do with it. My position has not changed, except that I find some of the members delightfully entertaining from time to time.

Mr. Conway: Mr. Speaker, on a point of privilege: I am sure my colleague the member for Brant-Oxford-Norfolk (Mr. Nixon) will want me to stand in his place and reserve his right to respond to a very serious charge on this question.

The Deputy Speaker: I direct the member to resume his seat.

Hon. Miss Stephenson: Mr. Speaker, I did not mention the member's name, as the member for Renfrew North has just suggested.

Mr. Stokes: That is the problem. You are imputing motives to everyone.

Hon. Miss Stephenson: No, I am not. I am simply saying that as a result of suggesting some slight interest that I might consider running, the four emanations that came to me, who were not necessarily members of this House, I must say, who were effectively or at least in part establishing the policy of the party, indicated that this is what the policy of the party was going to be.

I am sorry, that was what was delivered to me. That is a fact. I am not imputing any motives to any of the members here at this time because none of them—I think perhaps only one—was a member at that time and I have no idea what his thoughts were about it.

Mr. Bradley: She certainly is.

The Deputy Speaker: Are you rising on a point of order?

Mr. Bradley: Yes, I am, Mr. Speaker. Because I was a candidate in that campaign. I well remember the stand our party took in that campaign and the stand the Premier took when he stood up and said, "Not a dime more." He threw the wedge into the province over that issue. To have the same man then stand up in this House and get the accolades across the province for doing a flip-flop on it and bringing this forward certainly does not go well with the opposition.

The Deputy Speaker: Order. The member is back into a debate. It is not a point of order and we are not going to get into a debate on it. The minister did not refer to you as a candidate in that election. She was alluding to others and conveying what she said was the case.

Mr. Conway: Mr. Speaker, on that point, just to conclude: I do not want there to be any misunderstanding. I know what the minister is saying. I respect her as an honourable lady in relating the facts as she experienced them at that time.

As a partisan in that campaign, knowing exactly what the party position was in 1971 and what it had been in the preceding months, I want to make it clear—and I know my friends, the

member for Kitchener-Wilmot, the member for Erie (Mr. Haggerty) and the member for St. Catharines, who were as very much involved in that campaign as I was, would also want the record to show—without any hint of equivocation or confusion, that the three parties squarely joined in the 1971 campaign had clear, well-understood, public positions on the extension of aid to separate schools. I do not know anyone participating—

Mr. Sweeney: We had a printed position.

Mr. Conway: Mr. Speaker, if I might just conclude, because I do not think the member—

Interjection.

Mr. Bradley: You are the last person to lecture on that.

Mr. Conway: I do not think the member for Nipissing understood, succumbing as he sometimes does to vapours of a different kind on these questions. I want to be very clear about this. I do not for a moment suggest the minister has not told us what she experienced, but I want it very clearly understood there was no one involved in the business of Ontario politics in the year 1971 who could not and would not have understood the well-articulated public positions of the three political parties at that time.

As my friend the member for St. Catharines has well pointed out, the position articulated and vigorously and successfully pursued by the then member for Peel North and now the Premier was not a position in support of extending aid to separate schools.

Hon. Miss Stephenson: Mr. Speaker, I wonder whether I might request the return of the seven minutes taken up by these points of order and response to complete this.

The Deputy Speaker: Are we agreed?

Hon. Miss Stephenson: I simply reiterated what was delivered to me—nothing more. I am not imputing motives to any member currently in the House. It was not from a member I received that information.

Mr. Bradley: Then why is the minister saying it in the House?

Hon. Miss Stephenson: Because there was a suggestion there had been a degree of hypocrisy on this side of the House. I do not believe any pot should call any kettle black.

Mr. Allen: Mr. Speaker, on a point of order: I gather the exchanges taking place in the House at this time have to do with points of order as to whose time is being eaten up by the points of order or something of that sort. You did not stop

the clock while that exchange was taking place, while the member for Renfrew North was expostulating on the position of all parties in the 1971 election. How are you are going to dispose of the time that remains to all parties concerned in light of that rather extensive review?

The Deputy Speaker: We will have to take the points of order as part of the debate and as part of our procedure.

Hon. Miss Stephenson: Mr. Speaker, is it not possible to accede to my request?

The Deputy Speaker: We would need unanimous consent. I heard it from the critic from the Liberal Party, but I did not hear similar agreement from the New Democratic Party. The member for Hamilton West is going to give us some guidance on that.

Mr. Allen: I understood we were dividing the time equally. I spoke for a certain length of time; therefore, we have 18 to 19 minutes left on the clock, as far as we are concerned.

Hon. Miss Stephenson: I believe they have 20 minutes left. I do not know how much time the Liberal Party has left.

Mr. Bradley: We have 13 minutes and 58 seconds.

Hon. Miss Stephenson: Is that 14 minutes and 58 seconds?

Mr. Bradley: We have 13 minutes and 55 seconds.

Hon. Miss Stephenson: I am simply trying to find out whether I have any time left. If I wish to use the entire time allocated to the government party, is it possible to use it now or must I wait until there has been a rotation?

The Deputy Speaker: I believe your time was used.

Hon. Miss Stephenson: Except that some portion of it was utilized by an exchange.

The Deputy Speaker: It was utilized by points. That is true. We can only recapture it if there is unanimous consent. I do not sense we have it from the House.

Mr. Bradley: Mr. Speaker, thank you for the opportunity to participate in the debate this afternoon. I am going to deal with a couple of issues my friend the member for Renfrew North dealt with in his initial remarks on education. I am going to zero in on a couple areas that are of particular concern not only for those in the education community, but also for a number of other people in Ontario.

The basic problem facing education today is that of funding by the provincial government. I

think many of us recognize that if one looks at it in what I call real or constant dollars for education, what we are seeing is a diminishing commitment to education on the part of this government as far as finance is concerned.

We have mentioned 1975 as an important year, but I would like to mention 1974. In November 1974, the member for Scarborough North, then Minister of Education, was speaking in the House. He said: "The estimates which I am presenting today...are for \$1,496,896,000. The major portion of this, 89 per cent, is turned over directly to local school boards in grants to assist them in operating their schools. This represents 60 per cent of the total costs of elementary education in Ontario."

5:20 p.m.

The government of Ontario, as far back as 1970, indicated that a 60:40 average, with 60 per cent from the province and 40 per cent from the local municipality, would be appropriate for the cost of education across Ontario, and it was moving in that direction. That pinnacle was reached in 1975, and since then, as members of this assembly will know by now, the provincial government has reduced its commitment on a percentage basis on the average across the province from 61.3 per cent in 1975 to 48.8 per cent in 1983. I also indicated that if we examine the secondary school education system, we will find in the public system alone, for instance, that in constant dollars we have had a commitment of \$258 million less to secondary education since 1975.

The effect of this has been very difficult for local municipalities, as members will understand, and for local boards of education. It was particularly difficult for local taxpayers in the time of recession we have been through in the past couple of years. When we are in a period of recession and people are unemployed, they pay less money in income tax because they are making less money. They are also likely to pay less in sales taxes and other taxes because they are not purchasing as much and are not involved in economic activity to the same extent. However, the municipal tax bill still comes in regardless of a person's economic circumstances; so a person, if she or he were unemployed for six or seven months of the year, would have a reduction in income tax and likely in sales tax but not a reduction in the tax for municipal purposes, which includes the education tax.

That is why it has been particularly difficult for people. It does not take into account a person's

ability to pay and therefore it works against those who are in low-income groups or who have experienced economic disadvantage in a particular year. That is one reason it is not wise to have that responsibility fall back on the local municipality.

The second reason is that municipality, through the board of education, has to carry out certain programs which are mandated by the provincial government. It has certain responsibilities. There are expectations among parents, the business community and the general community in Ontario, which that system is meant to reach and to realize. For that reason, it is very difficult for boards to start chopping programs to reduce the commitment, and as I indicated, there are several areas where this shows up.

For instance, what it can mean when there is that reduced provincial commitment to education is more multiple grades in one class. It could mean the cutting out of programs. It could mean fewer learning materials, fewer textbooks, larger class sizes, less equipment for science classes, for audiovisual aids and for high-technology equipment and fewer teacher aids, even though more exceptional children require more special services.

In schools, it could mean fewer guidance services and less access to counsellors, less funding for field trips and other out-of-school events, lessened program support, less frequent cleaning and less support for building maintenance.

At the school board level, it could mean the following: fewer diagnostic services, fewer medical services, fewer consultants, fewer new and innovative programs and less program development, fewer supply teachers, limited learning materials and resources, reduction in repair and replacement of equipment, and fewer professional development programs.

These are things that can result from the reduction of the provincial commitment to spending in education with respect to providing a lot of services in 1984, a lot of them mandated to the system.

Hon. Miss Stephenson: Boards do not have medical services, and the member knows it.

Mr. Bradley: The minister has isolated one out of about 15, and I will let her dwell on that. I will go on to point out that she mentioned the Jackson report and the 60 per cent figure. If my memory is correct, Mr. Jackson indicated that 60 per cent of the cost of education being assumed by the province would be a desirable level.

If the minister were as frank with the House as she can be sometimes in committee and on other occasions, she would admit that, as Minister of Education, she would like to see the provincial government assume 60 per cent of the cost of education under the appropriate conditions. That is the problem. She has to fight with other members who do not have a commitment to education, a commitment that is essential at a time when we are attempting to compete with other countries and when our people have to be highly educated and highly trained to be part of that international competition.

There are expressions of concern about Bill 82. Despite the attempt by the minister to soothe the fears of the province through her words, many are still saying they are concerned that there will not be sufficient funding to carry out the mandated provisions of Bill 82, those being to provide an appropriate education and services to all children who come to the education system and who are exceptional. There is that great concern among trustees, teachers, parents and to a certain extent, I suppose, students themselves. If the past record is any indication, there is a good deal of justification for those fears.

A model has been put forward called the Martin model, which suggests it might be useful to allow the Minister of Education and her government to get their hands on the one source of exclusive taxation available to municipalities—that is, the municipal property tax—and attempt to spread it around the province under certain conditions.

We recognize here in the opposition that yes, there is a problem that must be addressed in those boards that do not have sufficient assessment. Many Roman Catholic separate school boards and some of the public school boards do not have the appropriate amount of assessment to allow them to carry out their activities in the best possible fashion. However, the answer is not to dig into the one source of exclusive taxation available to municipalities but rather to enrich the equalization grants that come from the province to make up for the fact that these areas do not have that kind of assessment.

As well, there is a deficiency in funding for co-operative education programs. Co-operative education, we think, is an excellent innovation undertaken a number of years ago in some systems, and more and more in other systems. For monitoring, for supervision and for transportation, more money is required.

Hon. Miss Stephenson: Inaccurate.

Mr. Bradley: The minister says "inaccurate." Everybody else in Ontario who is involved in secondary education says that what I am saying is accurate; so I will listen to the rest of the province.

Hon. Miss Stephenson: Mr. Speaker, on a point of order: The fact is that co-operative education programs at the secondary level increased by 25 per cent this year, and it is expected that they will increase by another 25 per cent next year, this in spite of the fact that the member says there is insufficient funding. The funding obviously is sufficient.

Mr. Bradley: We have had to rob other areas of education of funding to find that money for co-operative education.

Hon. Miss Stephenson: That is surmise on the member's part.

Mr. Bradley: That is accurate and the minister knows it. She need only consult, as she never does, with those who are delivering educational services on the front line, not with the people in the Ministry of Education, some of whom have not seen the inside of a classroom for 15 years.

Hon. Miss Stephenson: When did the member see the inside of a classroom?

Mr. Bradley: I saw it as recently as last week. I was in a classroom last week. I know the problems because I consult almost on a daily basis with the people who are on the front line; not those who have theories about what should be happening in the schools but those who know the reality of what is happening on the front line. They are the people whom the minister should consult.

The minister knows that for some time my predecessors and I in the Liberal Party have called for the establishment of a select committee on education to deal appropriately with education issues in this province. People are appalled, particularly those in the education community, when I mention that we have approximately 12 or 14 hours to deal with education issues during the consideration of the spending estimates of the Ministry of Education and that at that time we hear not from those outside the ministry but from ministry officials.

We in the official opposition believe that if the minister is serious about real and useful consultation with people in this province, she will have a select committee on education, not to travel to Hawaii to investigate the music program there but to visit this province to talk to various groups who have input to give.

For instance, if we had gone around the province three or four years ago, we could have had input on how we could best implement the funding of the Roman Catholic secondary school system, instead of simply having the Premier get up in the House and drop a bombshell, which seemed to shock even the Minister of Education, who was the last to get on her feet to applaud that decision.

5:30 p.m.

Hon. Miss Stephenson: The members opposite really are blind.

Mr. Bradley: I do not think we are. We certainly know that.

What would be most appropriate on matters such as OSIS would be to consult with the people on the front line who will tell the minister that her changes in the secondary school system are not appropriate for students taking courses at the general level, or certainly at the basic level. She implemented that without adequate consultation and preparation.

Our plea through this motion is for consultation. We think many of the problems at the elementary, secondary and post-secondary levels of education could have been alleviated, solved or better handled through a consultative process that would have included a select committee in education consisting of members of this assembly who are genuinely interested in education and who have at least some input into the educational process as it relates to legislation in this House.

Far too often, these policies are implemented through regulation, through decree or through a press conference in the hallway by the minister or some other member of this government. Not enough of the decisions are made in this House through the appropriate legislative action that we feel is necessary for a thorough discussion of these issues. This government has failed to do that. For that reason, it does not have the confidence of those of us in the two opposition parties, and that is why this proposal was put forward.

Mr. Foulds: Mr. Speaker, the last time I spoke on education in this House was during the momentous debate on Bill 82 in the time of minority government. Having returned and actively sought participation in this debate on behalf of my caucus because I fully support the principle and the intent of the motion put forward by the member for Renfrew North, although I might disagree with all or some of the particulars, there is no doubt in my mind that education has come to a state of crisis in this province. I want to

speech, if only briefly, on that topic this afternoon.

Having listened to the debate today, I am very much reminded of the words of Eliza Doolittle at the end of act I of *My Fair Lady*, when she says, "Words, words, words." That is what the minister and the ministry have engaged in when talking about education. The days of doing something about education in this province have long passed. All we have is talk. All we have are words. All we have is the minister piling royal commissions of several types on to parliamentary inquiries. What we do not have is action.

I judge both a government and a ministry by what it does, not what it says it does. What we have heard this afternoon from the minister as a justification for her ministry is, if I may repeat my interjection, a lot of bureaucratic claptrap. What we have not had from the minister is any sense of substance, any sense of direction, any sense of where and what education should be about and where it should be going.

The failure even to address those basic principles in this debate simply illustrates the ministry's and the minister's total failure to understand the education of this province and where it should be going. What this government has failed to do is to develop an educational policy and an educational system for the 1980s.

I want to speak to a few particulars. First of all, because it did arise during the course of this debate, I want to deal very briefly but very clearly with the separate school issue. This party knew where it stood in 1971 on the separate school issue. It stands in that position today in 1984 and it will stand in that position in 1985. There will be no weaselling, no backtracking and no flip-flopping about that and no second thoughts and no ex cathedra announcements by the leader of the party about that.

This party's policy is clear. We believe in the extension of aid to separate schools to the end of grade 13 because historically we have had two parallel public school systems in this province; that is what we should develop. That is what we believe in; it is our position now and it will be our position in the future. We support two publicly funded school systems, one Roman Catholic separate school system and one public school system.

What we object to is the presidential style of the announcement of the Premier. It was even made without consultation with his Minister of Education. He did not consult with the public, the participants or with this Legislature. I suspect

the only person he consulted was Cardinal Carter.

It was a shock to the Minister of Education; one could see it in her face during the Premier's announcement. The Premier has treated the minister with the same high-handedness with which she treats people, though it is shameful he treated the minister with the same high-handedness with which he treats this Legislature.

We are objecting to this high-handedness, to the Premier's lack of forethought and to the fact that he did not outline the specific details of how he would deal with, cope with and fund the extension. We endorse the principle and the methodology, but we would have worked out the details ahead of time with the participants to ensure there is security for both school systems, for the people who work in those systems and most of all for the kids in those school systems.

That is the position of our caucus on the separate school issue. Neither the Minister of Education nor the Premier has dealt adequately with that situation. The way in which they have dealt with it provides us with a potentially divisive situation. That is entirely tragic.

I want to speak for a few minutes on other issues, particularly as they affect northern Ontario.

Since the 1960s and during the tenure of the Premier, it has been and continues to be the obsession of this government and this ministry that somehow big is beautiful, that somehow the large amalgamated school boards are the be-all and end-all of educational equality in Ontario. Let me assure the House that is felt nowhere more strongly than in northern Ontario. The busing to which students in northern Ontario are subjected in search of equality of education is horrendous and damaging, not only to the school system but also to the students' learning experience.

This government has abdicated its responsibility to education, particularly as it affects northern Ontario. That is illustrated no more readily than in its absolute cutback in adult education programs. The lurking authoritarianism of the minister's mind—the phrase of my friend and colleague the member for Hamilton West that beautifully describes the minister, her actions and the ministry's actions—was no more apparent than in the way in which it dealt with funding for adult education. There was no chance for increased accountability, for developing additional adult education programs or for improving the system. The minister went from a very generous method of funding adult education

programs to no funding for adult education programs.

5:40 p.m.

That outlined very clearly that this ministry thinks of education simply as schooling. It does not believe in education; it merely believes in schooling. Surely in northern Ontario—and it was documented recently—the lack of funding has had a devastating effect when adult education enrolment in noncredit courses in northern Ontario dropped from 2,479 to 525. There was a 47 per cent drop in enrolment in adult education in eastern Ontario, a 50 per cent drop in northwestern Ontario, a 67 per cent drop in northern Ontario and a 77 per cent drop in northeastern Ontario.

Surely it is the school system, the elementary and secondary public boards, that must be the delivery system for adult education in many small northern Ontario communities. The very fact this minister made cutbacks in such a draconian way, in such an authoritarian way, has meant that the very quality of life of our population in northern Ontario has suffered enormously from this minister's authoritarianism.

I want to speak very briefly so that my colleague the member for Etobicoke (Mr. Philip) will have a few minutes to speak about the attitude of this government and its bureaucratic obsession, which actually makes the present government of China look streamlined and modern in comparison, in the way it has dealt with special education. It has dealt with a very sensitive and serious problem, which it recognized; and it recognized, to give it credit, not only the educational but also the political problem.

But its legislation and its underfunding have led to a bureaucratic nightmare. I charge in this Legislature that the ordinary learning-disabled child, if I may use that term, is still being sadly neglected in this province. The very severe cases are being treated and the very exceptional cases are being treated, but the child with what I would call a modest learning disability is largely being ignored because there simply are not the personnel or the funding or the special support to deal with that child. The local boards are forced to deal with the most outstanding examples, and I know this not only as an educator but also as a parent.

Finally, I want to speak very briefly to the attack by this ministry on the financing base of the local boards of education in its attempt to grab additional funding through the pooling of commercial and industrial assessment. This confrontational

technique, which was developed by the minister originally as an attack on the Toronto Board of Education, is going to harm education in northern Ontario in a much greater way.

If the Martin proposal were fully implemented at the secondary school level, it would have several effects, and I will give just a few examples. It would increase the residential mill rates of the Cochrane-Iroquois Falls Board of Education by 48 per cent, of the Geraldton Board of Education by 60.5 per cent, of the Lakehead Board of Education by 32.9 per cent, of the Lake Superior Board of Education by 69.59 per cent, of the Nipigon-Red Rock Board of Education by 67.81 per cent, of the North Shore Board of Education by 28 per cent and of the Red Lake Board of Education by 65 per cent.

This kind of attack on the funding currently available to school boards in northern Ontario, which is limited enough, is simply unwarranted. It justifies our complete lack of confidence in this minister, this ministry and its officials.

Mr. Philip: Mr. Speaker, I am pleased to support the no-confidence motion. During my years in this Legislature, I have expressed concern about the way this government has drifted with a lack of policy of any kind, in particular in an area with which I have been most closely associated personally; namely, continuing education.

In 1980 the Oracle, which is the publication of the Ontario Association for Continuing Education, wrote: "In recent years there have been sincere efforts made by OACE and others to encourage discussion about developing a continuing education policy for Ontario. To date, the government has made no official statements for those who need a policy guide, a prop to stimulate; and this situation has been most frustrating.

If we look at the ad hoc way in which this government has developed community colleges across this province, historically we can see there is no policy. What we are involved in is the historical pattern of a custodial type of education. This minister is not interested in continuing education. She is not interested in developing a program or in facilitating the kind of community college system that has been developed in other provinces, particularly in Saskatchewan. She has been involved in trying to put as many people in slots as possible.

It is the same warehousing system that was developed in Britain after the labour laws restricted the use of child labour and they decided they could no longer have children on the streets.

In Ontario we have a system of trying to get the young adults off the street by putting them into a system of community colleges. As we saw in the debate on the back-to-work legislation on community colleges, it has nothing to do with educational objectives, it has nothing to do with education but only has something to do with numbers, with getting as many people into as many slots as possible and trying to keep them as quiet as possible.

If we look at what is happening in our community college system, we see a deteriorating system. President Wragge, the president of Humber College a number of years ago, appeared before a committee of this Legislature. He talked about how the noose around the community colleges' necks was getting tighter and tighter. He predicted that in a few years we would be faced with the very disastrous situation where teachers, and indeed others, would have to take radical steps to change the situation.

We saw that with a strike for which this minister is responsible in no uncertain terms. Teachers, out of a sense of professionalism, out of a sense that the system was deteriorating, had to take some kind of action. In a very calculated way, this minister allowed those people to go on strike for three and a half weeks then legislated them back with absolutely no change and absolutely no improvement. In fact, they were worse off than when they went out. When one talks to those teachers, one can see the kind of morale problems with which they are faced.

We are faced with a series of people who devote their time to the community and who have been sent back with absolutely nothing. What does that add to the education system in this province? It adds absolutely nothing, and this government has done absolutely nothing.

In the early years, I can remember speaking to Del Smythe, who was one non-Conservative. He happened to be misguided. He was a Liberal. Del Smythe was on the Council of regents. He said: "I went to meeting after meeting and I said to them, 'Let us deal with the essential problems. What are we about? What are we trying to do when we set up this community college system?'" The Tories with him said: "No, let us deal with practical things. Do we have a campus in

this town? Do we build a building in this town? Which contractor gets this contract? Which riding gets this contract?"

This minister is not involved in education. She is involved in the warehousing business. That is fairly clear. She has no concept of what it means to have a continuing education program. She has the traditional medical model, a class system in which she herself and a certain élite are at the top and the others are all at the bottom. That is the kind of system she has developed.

That is the kind of system that OACE has accused her of developing. That is the kind of system she has developed and to which she is dedicated. That is why this government and this minister do not deserve the confidence of this House.

5:55 p.m.

The House divided on Mr. Conway's motion, which was negated on the following vote:

Ayes

Allen, Bradley, Bryden, Conway, Cooke, Eakins, Edighoffer, Elston, Epp, Foulds, Grande, Haggerty, Kerrio, Laughren, Lupusella, Mackenzie, Mancini, Martel, McClellan, McGuigan, McKessock, Miller, G. I., Newman, Nixon, O'Neil, Peterson, Philip, Reed, Riddell, Ruprecht, Ruston, Spensieri, Stokes, Sweeney, Van Horne, Wildman, Worton, Wrye.

Nays

Andrewes, Ashe, Baetz, Barlow, Bernier, Brandt, Cousens, Cureatz, Dean, Drea, Eaton, Eves, Fish, Gillies, Gordon, Gregory, Harris, Havrot, Hennessy, Johnson, J. M., Kells, Kennedy, Kerr, Kolyn, Lane, Leluk, MacQuarrie, McCaffrey, McEwen, McMurtry, McNeil, Mitchell, Norton, Piché, Pollock, Pope;

Ramsay, Robinson, Rotenberg, Runciman, Scrivener, Sheppard, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Walker, Watson, Welch, Wells, Williams, Wiseman, Yakubski.

Ayes 38; nays 58.

The House recessed at 6 p.m.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday, December 11, 1984

The House resumed at 8 p.m.

CHILD AND FAMILY SERVICES ACT

Hon. Mr. Drea moved third reading of Bill 77, An Act respecting the Protection and Well-being of Children and their Families.

Mr. McClellan: Mr. Speaker, I intend to speak for only a minute or two.

Mr. Bradley: For an hour or two?

Mr. McClellan: A minute or two, unless I am provoked.

I want to say for the record that I intend to vote against Bill 77 for a number of reasons. First, I should say there are, to be fair, a number of very major improvements in the child welfare system in this bill, most notably with respect to the provision of child welfare services by and for native communities. We want to applaud the ministry for the initiative it has taken in making it possible for the first time for native communities to take control of their own child and family services.

A number of serious concerns with the bill remain, and I simply intend to outline them. First, this is supposed to be omnibus legislation, but the Day Nurseries Act has not been included in the omnibus bill. The Minister of Health (Mr. Norton), who sits in his seat looking as wise as an owl, will know that when he was minister it was the government's intention to include the Day Nurseries Act in the omnibus children's bill. For reasons unknown to us, it has remained a separate act, and that is a major omission.

Second, the residential placement advisory committees do not have jurisdiction over the placement of children in homes for special care or nursing homes. I am sure both the Minister of Health and the Minister of Community and Social Services (Mr. Drea) will regret this omission. There is still no screening device in this province to make sure mentally retarded children are not placed wrongly or inappropriately in homes for special care or nursing homes.

It will remain a major shame in this province that children who are mentally retarded are shunted off into second- and third-class services under the jurisdiction of the wrong ministry, the Ministry of Health, instead of being provided

with the appropriate services and programs in the Ministry of Community and Social Services.

Third, we had hoped there would be some movement forward in the issue of adoption information disclosure, but alas, the ministry has remained content to hold the line with the voluntary disclosure registry which was introduced in 1978. We had hoped it would at least have been made an active registry with respect to future adoptions, but even that modest proposal was too much for the ministry to swallow.

Finally, I come to section 157. This is the section that deals with nonidentifying adoption information. This section really troubles me. The way it reads, and I think there is only one interpretation, for somebody to obtain essential medical information of a nonidentifying nature, that person has to apply to the director of child welfare, and the director of child welfare renders a judgement on whether in his opinion it is necessary to provide the information to protect the person's health.

The Minister of Health can perhaps think about what this means for preventive health. How is one supposed to know whether he should apply to the director of child welfare for nonidentifying medical information if he does not know what the medical information is in the first place? If a person is an adoptee, how is he supposed to justify his case to the director of child welfare if he has no knowledge of any medical problems in his family background?

The ministry has foisted preposterous legislation on us. I know many people are quite frankly embarrassed by this section. I can simply prophesy that this will be a source of continued embarrassment for this government and a continued problem for adoptees and their families, who in the past at least were able to obtain from children's aid societies something called a life book, which contained nonidentifying medical information, together with other nonidentifying information that gave at least some sparse details about an adoptee's background. That has now been closed off and made a kind of Kafkaesque bureaucrat's dream.

I fail to understand why the minister has been so stubborn and adamant in imposing his own very strong personal views, to which he is

entitled, on the whole province and on all persons who participate in adoption. It remains a mystery to all of us.

For these reasons I intend, as I said, to vote against the bill on third reading. I hope the government will fund the parts of the bill that promise, rhetorically at least, to bring about a new day in preventive social services. We shall see. I remember when I was a welfare worker with the Ministry of Community and Social Services—

Mr. Nixon: In your productive days.

Mr. McClellan: Yes, when I worked for a living. When I went to the in-service training program my instructor left us with this little motto: "You can make your laws as nice as you please, but what counts is the spirit of administration." As all members know, that was a quote from Nye Bevan.

I hope the minister will fund the programs, which look so good on paper. We will just have to wait and see whether they are translated into reality.

8:10 p.m.

Mr. Sargent: Mr. Speaker, I am in the rare position of happening to be an admirer of the minister and I do not want to be too critical of him. I am glad he has taken a very wide view of the position of the adoptive parents.

My concern is about something on which I have received a lot of letters. There was an article last night by Lois Sweet in the Toronto Star, which the minister probably has read, entitled "Adopted Kids Need to Know." It outlines the new legislation being given final reading today, which makes adopted children and their adoptive parents second-class citizens with no right of access to their roots.

She says this legislation is against every human's right to know himself or herself and against the right of adoptive parents to know the information which would help them to be effective, successful parents.

Another lady writes: "In the spring of 1984, I wrote to clarify my position that adopted people, not underage children, have a basic human right and a need to know from whence they came. In my own case, I have chosen to be childless because I know nothing of my background."

We could go into these letters, but I have great confidence in the minister knowing the story and the needs of people. Would he clarify for me his position in this regard?

Mr. McGuigan: Mr. Speaker, there are many good things about this bill, but like other

members, I have my reservations. However, I do want to say it was a great experience for me as a person who does not have a background in social service work to be a part of this committee and to see the care and attention given towards bringing together these numerous acts into a single act. On my own behalf, I wish to express my appreciation for the work of the staff and the ministry and of their concerns in a great many areas, but like other members, I really feel let down on the question of adoption.

I have said before, and the minister well knows my attitude, that those old laws about adoption secrecy were really based upon false scientific information back in the 1920s and earlier. We have since proven that information wrong.

The thing today which has emerged and changed the picture, aside from the changes in scientific information on our genealogy and the way we inherit our particular characteristics, is the interest there is today in our roots and being able to answer the question, "Who am I?" There was a day when we turned to our religious beliefs to answer that.

I remember a television drama I saw a long time ago with Loretta Young in the very early days of television. It was before we had the violence and the type of entertainment we have today. In the drama Loretta Young was a psychiatrist or a psychology student; I do not know which it was. She was given the assignment of going out on the street, approaching strangers and asking those people who they were.

Through the course of this program, she approached one chap who said he was a fireman. She said: "I did not ask you what you were. I asked you who you were." The person then gave his name, but he really did not seem to be able to identify what he was. Another person she spoke to became suddenly confused and angry and replied, "How dare you ask who I am?"

Loretta Young went through three or four examples of people not knowing who they were. Finally, she got the answer the person who had assigned this job to her was really looking for. Someone said, "I am a child of God." That revealed to the questioner the inner peace that person had in his own mind about who he was.

There are not too many people today who would answer that way. They are more concerned today about their ethnic, social and physical background, the type of parents they came from, whether they had certain diseases and whether they were inclined to certain philosophies or whatever. We do have that gnawing question that people are asking them-

selves today. It is not in the abstract; it is more in the objective. They want to know who they are. Not knowing who they are, they struggle. They have a hard time relating to other people. There is a vacuum in their life. I feel sorry we have not been able to correct that situation with this bill.

I would point out that when this question first came up, there seemed to be a feeling abroad that the Liberals were going to turn the question wide open, that we would disclose all the evidence of background to whomsoever asked the question. That was never our intention.

Our intention was that if a person indicated a desire to know to the registrar, then the registrar would pass that information along to the other two parties or one party—there was some division, as there should be, over one party or two parties—and ask them simply whether they wanted the information brought out. If they did not, then they had veto power and that would be the end of it.

We certainly were not asking for complete disclosure. However, that seemed to be the impression in the public domain and we took steps to correct that. The member for Scarborough-Ellesmere (Mr. Robinson) on the government side pointed out that this was the position. We are sorry this has come to the point it has where we actually end up, in the case of medical information, with even less disclosure than we had in the past.

With those remarks, I agree with the remarks that have been made by other members.

Mr. Wrye: Mr. Speaker, I will be brief. My colleagues have laid out some of the problems we continue to have with this piece of legislation. We will be voting for it on third reading. We did not do so on second reading.

I think it would be appropriate to indicate some of the changes, though not all, that have been made throughout this piece of legislation, which I believe over its three readings, and while it was draft legislation and when it was first put out as a discussion paper, represents a very good example of what can happen when there is consultation.

Before I do so I should say very briefly—and I see one of those three gentlemen here—that we in this party want to pay tribute to the minister for some of the excellent co-operation we have had throughout from ministry officials, most particularly from Bernd Walter, who acted in a very nonpartisan and helpful fashion throughout the discussions in public and privately to those of us who wished to seek his counsel, because it really was expert counsel. I want to tell the minister that

in Mr. Walter he has a very excellent public servant, one whom all members on all sides ought to be proud to have as part of the public service of Ontario.

8:20 p.m.

Mr. Dick Barnhorst, who with Mr. Walter helped us through the process, particularly in the months of January and February, was always prepared to discuss both publicly in committee and privately the kinds of issues we raised in the debate. We raised many issues because this was and is a very complex piece of legislation.

Finally, while Mr. Gerry Duda from the ministry was not required to be present for the intense deliberations the committee went through in February and July, he nevertheless led us through a bill that is as complex as any legislation before the Legislature. The minister should be proud that he has these kinds of public servants working for him and for the people of Ontario. Many of the positive changes that have come out in the process are a result of the good work those individuals put in; it has been work night and day.

Our party voted against this measure on second reading. We will vote for it on third reading, not because we believe the legislation has met all our desires—that is rare in this Legislature—but because there have been a number of important improvements, changes, additions and deletions that lead us to support the measure.

I will name four of the changes, and I think the minister will know what I am talking about.

First, I believe the preventive approach to children's services in the province is much stronger than it was when the bill was introduced in May 1984 and when it was given second reading in June.

Second, the discretionary powers given to any minister—I do not wish to point a finger at this minister—that were introduced under section 22 or 23 of this bill in spring 1984 have been put in their proper perspective. While the societies and agencies still have concerns, I think they have much less concern today than they did at that time.

Third, the residential placement advisory committees, the so-called RPACs, have seen a major improvement as recently as the discussions we had during committee of the whole House in this Legislature, through the goodwill of the minister, through the suggestion of my friend the member for Bellwoods (Mr. McClellan) and through our support of that suggestion. In dealing with the application of this legislation, the

structure of the RPACs is much more positive today and will be greeted with much greater support in the community than when the legislation was introduced in May.

Finally, I think the decision of the minister, with pressure from members of all three parties on the committee, to reintroduce a number of matters of intrusive procedure as prohibited measures is a major step forward in the bill.

There are a number of other measures. For example, the Indian and native services matters dealt with under part X of the bill, which were there at the outset, have been strengthened after a period of consultation with native groups that has allowed us to arrive at a consensus; this is very welcome.

There is no doubt the bill, on this day in December 1984, is much stronger than the bill introduced in late May 1984. However, I do not want the Legislature to believe or accept that we in this party do not have any problems with the bill. We have a number of them, but we have one major philosophical problem that I want to put on the record. My friend the member for Kent-Elgin (Mr. McGuigan) has put it on the record, and I will not go into the details my friend used.

As the minister knows, and as this Legislature should know, this party remains adamantly opposed to the part of the bill that deals with adoption. We proposed a number of amendments we felt were fair and reasonable in the circumstances. I do not think any of us can quite figure out why the amendment on disclosure of nonidentifying information has not been put into the bill. It has upset and hurt a very large segment of Ontario's society; there is no doubt about that. The calls to my office make that very clear. I have rarely received as many calls about any legislation as I have about this matter.

In a sense, because of that problem, we will vote for this bill with reluctance. This very major part of this legislation does not protect the best interests of children when they are adoptees. Best interests continue long after a child adoptee has become an adult. Nevertheless, with that one exception, we feel confident the bill we are passing tonight is much better than the one introduced. On the whole, it is a decent and balanced piece of legislation and we will support it on that basis. We can only hope that in the months and years to come we will make some progress on the adoption issue.

Mr. Sargent: Mr. Speaker, I know it is unusual, but could I have one minute with the minister on a question?

The Deputy Speaker: I am sorry, but there is no provision in the rules to speak a second time.

Mr. Cureatz: Mr. Speaker, on a point of order: We could have the unanimous consent of the House and hear the member for Grey-Bruce (Mr. Sargent).

The Deputy Speaker: No, I do not believe it is in order. Are there any final comments by the minister before we move to third reading?

I have enjoyed the comments shared by all participants in this third reading debate, but I remind all members that we have had the debate about the principle of the bill. We have had clause-by-clause examination. The bill has been passed that way. Third reading debate, as members know, deals exclusively with the reasons the bill ought or ought not to proceed to third reading. We are restrained to that. I have enjoyed all the comments. I did not want to interfere.

Hon. Mr. Drea: Mr. Speaker, in regard to the request by the member for Grey-Bruce, because of his apparent confusion resulting from one of the comments he received, I want to make it very clear that in this bill the adoptive parent has the right to every piece of information that is available from the children's aid society at the time of the adoption.

There is a regulation that says the children's aid society or the licensed private adoption agency must provide all the available information to the adoptive parent. The parents can choose to take that information. It is theirs, and there is no provision that prevents them from having it. They are perfectly entitled, contrary to those published statements, to share it with anybody they choose.

Mr. Sargent: With access to the files?

Hon. Mr. Drea: All the information that is available to the adoptive parents prior to the adoption. We must be very accurate. If the birth mother chooses to give no information, there is no information available. That is her right. She can choose to remain silent, not to disclose. In most cases, a lot is available and is made available to the parents.

8:30 p.m.

I want to make a couple of comments on why this bill should go forward and be passed. The paramount objective of the act was to promote the best interests, protection and wellbeing of children. Also stated is the belief that while parents often need help in caring for their children, help should support the autonomy and integrity of the family unit and should be

provided on the basis of mutual consent. It is obvious to everyone in this House.

Notwithstanding some of the innuendoes about my personal views, I think my personal views are roughly the same as everybody else's in society. The family unit forms the basis of society as we know it, and it is up to each and every one of us to honour and support that family unit; indeed, that is the purpose of Bill 77.

I appreciate the fact there have been many painstaking efforts, philosophical discussions, consultations and a very frank expression of dedicated concerns in the process of this bill from the time it was first unveiled in draft or conceptual form for a standing committee to study, to the tabling for first reading of the bill last spring and to second reading just before the summer break. We are now, before the conclusion of this session and perhaps of this parliament, in a position to pass this bill, which will be proclaimed next July.

I agree that this bill is better for having been in committee. It is better for having been in committee because of six people I want to single out who have received no credit whatsoever.

The bill is better because of the work in committee of my colleagues the member for High Park-Swansea (Mr. Shymko) and the member for Hastings-Peterborough (Mr. Pollock). This bill is better because of the work in committee, both as chairman at one stage and as a member of the committee, of my neighbouring colleague, the member for Scarborough-Ellesmere (Mr. Robinson). It is a better bill because of the work of my colleague the member for Humber (Mr. Kells), particularly with regard to the intrusive procedures and electroshock. It is a much better bill because of the personal contributions of two of my colleagues, whose friendships I value very much, the member for Lanark (Mr. Wiseman) and the member for Lambton (Mr. Henderson).

Mr. McClellan: One will search in vain for remarks in Hansard from any of them. They were six silent men who said nothing, did nothing and knew nothing.

Hon. Mr. Drea: It is also a tribute to the work that can be done by an able and a painstakingly dedicated committee chairman such as my colleague the member for Burlington South (Mr. Kerr).

Mr. McClellan: This is a joke.

Hon. Mr. Drea: By singling out those members, I do not mean to diminish the contribution made by opposition members, but the opposition members—particularly the one in

the blue shirt who is barracking at me right now—have been long about their great contributions. It is about time we put on the record the names of the people who do all the work all the time and seldom receive any credit whatsoever.

Mr. Martel: What about the pages?

Mr. McClellan: The member for High Park-Swansea is embarrassed.

The Deputy Speaker: Order. The minister has the floor.

Mr. Martel: The minister could at least congratulate the pages.

Mr. McClellan: The member for High Park-Swansea accused the minister of making him a laughingstock in the committee.

The Deputy Speaker: Order. The minister was very quiet during the other members' comments.

Mr. Martel: You told us what to do on third reading; so do not give us that nonsense.

The Deputy Speaker: And I listened—

Mr. Martel: I know; so do not come here and give us your nonsense.

Hon. Mr. Drea: Mr. Speaker, I would appreciate it if you could curb the semi-hysterics so we might get on with the job.

Mr. Martel: You gave us a lecture on what third reading was all about.

The Deputy Speaker: Order. It was not a lecture; it was a reminder to all members. The member for Sudbury East (Mr. Martel) recalls I listened quietly to the comment and then spoke. Let us afford the same courtesy to the minister that was afforded to your members.

Mr. Martel: You gave us your lecture on what third reading is all about. Maybe you would do the same for the minister. How silly can you be as Speaker?

Hon. Mr. Drea: Mr. Speaker, obviously some people have dined well.

Mr. Martel: We are not like the minister.

Hon. Mr. Drea: That is the nicest compliment, since it came from the member for Sudbury East, I have ever received in this Legislature. I sincerely mean that. Knowing the member's personality and record, the world takes it as a compliment too.

Mr. Martel: I will stack mine up against the minister's any day. At least I was never fired by the steelworkers; they did not fire me.

The Deputy Speaker: The minister has the floor.

Mr. Cooke: Did the minister not offer the member for High Park-Swansea to our side in committee? The minister wanted to get rid of him.

The Deputy Speaker: Order, all honourable members. We have in front of us this evening—

Mr. Cooke: It is all on the record.

The Deputy Speaker: Order.

Mr. Cooke: I remember the minister was trying to get rid of him.

Hon. Mr. Drea: Mr. Speaker, I may have disagreed with the member for High Park-Swansea, but unlike the mouthy one over there, he is a man of integrity, principle and concern.

Mr. Martel: That is why the minister wanted to give him away.

Hon. Mr. Drea: While I enjoy this—I have not had to do this in a number of years—and I can take them all on, I would like to finish.

The Deputy Speaker: We do have an agenda.

Hon. Mr. Drea: Yes, Mr. Speaker.

I would like to point out that this bill is a historic one because of a number of very significant parts. One that will be long remembered is the breakthrough that services must recognize the special entitlement of Indian and native people to services that are sensitive to their culture, heritage and traditions; that French-speaking families in this province have a right to service in that language where appropriate; and that services to children and families must recognize and respect cultural, religious and regional differences.

The act makes it possible to design and fund services that are responsive to the individual needs of specific children and provides for the full participation of the child. The child may air his or her grievances and insist upon his or her rights.

I am sure we can all agree that the Child and Family Services Act as we see it today for third reading is the product of an exhaustive process of policy development, public participation and legislative scrutiny and improvement. In Bill 77 we have reached, through extensive consultation, goodwill and determined co-operation, a pinnacle of achievement.

I have already complimented the staff, contrary to the smart-aleck remark that was made by someone a while ago; I have complimented them no-end. I firmly believe this bill is a product of their goodwill and determination to ensure that we would have a Child and Family Services Act that is a landmark in legislation for children and

promotes the best interests, protection and wellbeing of our children.

The Deputy Speaker: All those in favour of Mr. Drea's motion for third reading of Bill 77 will please say "aye."

All those opposed will please "nay."

In my opinion the ayes have it.

Motion agreed to.

8:40 p.m.

[Later]

The Deputy Speaker: Before we deal with the next order of business, I want to say to the member for Sudbury East (Mr. Martel), for clarification, that in my comments and reminder about the purpose of third reading, I listened intently as some members referred to their colleagues and I acknowledged that we permitted latitude on third reading. Why would we show any less courtesy to the minister?

Mr. Martel: Mr. Speaker, when we on this side of the House finished speaking, you got up and gave us a little lecture. Maybe you would like to get up and do the same for the minister.

The Deputy Speaker: I will pass that along to the minister.

Mr. Martel: Baloney. It is the same sordid business that applies around here all the time.

The Deputy Speaker: No, that is not so. I was not aware the minister had comments to contribute.

Interjection.

The Deputy Speaker: I did not interrupt anybody.

VISITORS

The Deputy Speaker: During this past week, all honourable members had in their respective ridings many people recognized for their volunteer work to our communities and to the province. This evening in the Speaker's gallery we have representatives of those people from the two ridings of York Mills and Oriole. I wonder if we could welcome them and recognize their contribution.

PUBLIC LIBRARIES ACT

Hon. Ms. Fish moved third reading of Bill 93, An Act respecting Public Libraries.

Mr. Edighoffer: Mr. Speaker, I appreciate that this bill had considerable discussion in committee. It did not come back to committee of the whole House. I do not want to review the bill section by section because I appreciate what you said a short time ago.

However, I thought it should be put on the record that some members in our caucus spoke on second reading and displayed their discontent with part II of the legislation, the area library service boards. During our discussions, the minister informed us of the number of appointments she would be making to the area service boards and I feel it should be on the record.

There are a number of areas where there will be nine serving on the board. In Nipigon, one will be appointed by the communities and eight appointed by the minister; in the Voyageur area, four will be appointed by the communities and five by the minister; in James Bay, one by the communities, eight by the minister; in Thames, 12 by the communities, 11 by the minister; in Saugeen, 10 by the communities, nine by the minister; in the Niagara Escarpment, 20 by the boards, 19 by the minister; in Trent, 20 by the boards, 19 by the minister; in Rideau, 12 by the boards and 11 by the minister.

In the explanation of this legislation, I note it says the minister or the minister's delegate shall arrange for appointments to the board. I hope she will not pass this out to the government appointment group but that she will consult very carefully with the municipalities involved.

Mr. Grande: Mr. Speaker, I am going to try to be brief. I am going to explain to the House why this party feels this bill should move on and pass third reading even though on second reading our party opposed the bill.

I want to point out that many members of this party made tremendous contributions to the bill during second reading. I am extremely proud of that. The member for Port Arthur (Mr. Foulds), the member for Oshawa (Mr. Breagh), the member for Lake Nipigon (Mr. Stokes), the member for Hamilton West (Mr. Allen) and the member for Nickel Belt (Mr. Laughren) made tremendous contributions to this bill.

Many people in the Legislature felt this was one of those bills that would probably not lead to a tremendous amount of debate, but the effects of the bill are going to be felt in every corner of Ontario whether particular areas have library boards or not.

Bill 93 started out as a bill to reduce library services in this province. It was a bill that looked to the past and wanted to return to that past. Of course, we on this side of the House did not allow the minister or the government to return to that past back in the 1940s.

We had the help of a lot of people, as a matter of fact, and I just want to mention them. People from the Ontario Library Trustees' Association,

the Ontario Library Association, the Association of Small Public Libraries of Ontario and the Ontario professional librarians advisory committee contributed a tremendous amount of input to me, and I want to thank those people in a personal way for helping me to understand the issues in this legislation.

The reason I feel this bill should pass third reading is that we were able in committee to make tremendous headway on this bill. We were able to amend to the community's satisfaction section 24, the section that disturbed and upset the entire library community. We were able to change section 23, the section that would have greatly expanded user fees in our library system to include library materials for distribution and not just library books. I am extremely proud that this took place.

Not a lot of headway was made on section 15. I do not understand the reason for this, because the minister herself presented data showing that section 15 should have been amended.

I want to end by saying that this bill was not acceptable to this party during second reading but on third reading, after the amendments and work that people in this party have put in with the help of people in the library community, we are very happy to support it because now it has become a supportable bill.

Hon. Ms. Fish: Mr. Speaker, I am very pleased—

Mr. Kerrio: Dispense.

Hon. Ms. Fish: Not quite.

I am very pleased indeed to see third reading tonight on what I think is a very fine piece of legislation, legislation that has grown out of four years of consultation and dialogue begun by my predecessors in working with representatives of the library community, local councils and users of our public library system right across this province.

The evolution of the bill shows a positive and healthy communication, dialogue and genuine participation in the process by all those interested.

I would comment briefly, however, on one point that was raised by the member for Perth (Mr. Edighoffer). The honourable member read a series of figures into the record. I think perhaps he overlooked small qualifying points on a couple of them, so let me simply add them.

The member knows very well that the appointments to the Ontario library service boards contained in this bill largely follow the formula that has been in existence for some years in northern Ontario; that is, all municipalities with

library services and whose populations are 15,000 or more have an automatic seat on the Ontario library service boards.

8:50 p.m.

That remains the case in this legislation. Where there are no municipalities of 15,000 or more to round out a minimum number of nine on the board, then the minister in this legislation, as in the previous legislation, makes the appointments to round the board size to a minimum of nine.

The other opportunities for appointment, notably in the southern areas where there are ample populations of more than 15,000, were specifically designed to provide for representation from small municipalities, notably those of less than 15,000 population, which have never to date had an automatic seat on the library service boards. We wanted to provide space for them and specifically respond to them.

Motion agreed to.

THIRD READINGS (continued)

The following bills were given third reading on motion:

Bill 109, An Act to amend the Securities Act;

Bill 119, An Act to amend the Education Act;

Bill 145, An Act to amend the Courts of Justice Act;

Bill 147, An Act to amend the Residential Complexes Financing Costs Restraint Act, 1982.

MINISTRY OF CORRECTIONAL SERVICES AMENDMENT ACT

Hon. Mr. Leluk moved third reading of Bill 149, An Act to amend the Ministry of Correctional Services Act.

The Deputy Speaker: All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

IMMUNIZATION OF SCHOOL PUPILS AMENDMENT ACT

Hon. Mr. Norton moved second reading of Bill 138, An Act to amend the Immunization of School Pupils Act, 1982.

Hon. Mr. Norton: Mr. Speaker, my opening remarks will be very brief since I made a fairly extensive statement at the time of the introduction of this bill, along with a couple of others.

The principles involved in this bill are quite straightforward. It deals with certain amendments to the existing legislation.

First of all, in trying to bring this bill clearly into compliance with the provisions of the Constitution and more particularly of the Charter of Rights and Freedoms, it extends the grounds for exemption from the immunization requirements of the act to include not only religious belief but also matters of conscience. On the advice of the Attorney General (Mr. McMurtry), we believe that will bring it into compliance with the intention of the Charter of Rights and Freedoms.

Second, the bill makes provision for the parents to invoke the exemption on grounds of religious belief or conscience by filing a prescribed form of affidavit with the medical officer of health.

Third, it makes the parent of a nonexempt pupil—in other words, a pupil who is neither exempt by virtue of an affidavit filed by the parent nor by virtue of a medical reason substantiated by a physician—responsible for causing the immunization requirements of the act to be met.

At present, the legislation provides, in effect, for a penalty to be imposed only on the child by removing the child from school. This would add a penalty that would be applied to parents acting without an exemption under several provisions of the act.

I shall reserve my further remarks until others have expressed their views.

Mr. Kerrio: Thank you, minister.

Mr. Speaker: The member for Kitchener-Wilmot.

Mr. Kerrio: Thirty seconds.

Mr. Sweeney: Mr. Speaker, my seatmate is pushing ever onward.

Mr. Kerrio: I think we should get the business done in an expeditious way; we could do it quickly.

Mr. Sweeney: Let me say on behalf of my colleagues that we support the legislation. It is a significant move forward in so far as it recognizes the element of conscience in addition to that of religious belief. There has been some discussion with respect to the fine of \$1,000. I notice the wording is "of not more than;" in most situations I expect it would be considerably less. The minister may want to speak briefly about it. The figure of \$1,000 seems to be a little high, and I ask the minister to indicate what he thinks the reality of the situation will be.

I want to take a minute to draw to the minister's attention that, because this conscience clause has been put in, some people in Ontario are going to have a small problem—for some people it may be a very large problem—in regard to the measles vaccine.

I would like to read a couple of comments into the record. I have a letter from one of my constituents that I was asked to bring to the minister's attention. "When people feel so trapped in an ethical problem they can see no way out...this I will admit is where many people may feel they would be, once aware of the situation regarding live attenuated vaccines."

The minister is well aware it has been brought to our attention that these vaccines come from human cell culture that originally came from aborted fetuses. I need not remind the minister there is a tremendous difference of opinion at the present time in Ontario with respect to this issue.

I draw to the minister's attention a letter dated March 15, 1984, signed by Michael McRae, co-ordinator of drugs and therapeutics for the Ministry of Health of the province. Mr. McRae makes this point in a letter addressed to my constituent, "The only rubella virus vaccine available since January 1979 is live attenuated and is propagated in WI-38 human diploid cell culture." It goes on in a further paragraph, "There can be no choice of vaccine."

9 p.m.

The point my constituent has drawn to my attention is that with this new legislation she finds herself, as a matter of conscience, "trapped in an ethical problem." Given the present tone of this debate in Ontario, I would have to draw to the minister's attention that there may be a considerable number of people who also find themselves trapped in this ethical problem.

Therefore, I would urge the minister to begin immediately with his officials and with the medical authorities in this province to find an alternative to this vaccine. I am not suggesting that children and adults in this province should not be protected. I fully support the minister's direction that we prevent diseases, we do not cure them; at least we make an attempt to do so. When people find themselves so ethically trapped, I believe we have a responsibility to give them some way out of that.

I want to draw a second point to the minister's attention which has really nothing to do with the point I have just made, and that is the concern expressed by some medical authorities about the effectiveness of that vaccine. May I quote from my own local newspaper, the Kitchener-

Waterloo Record of March 3, 1984. The reference is to the city of Windsor. The article says:

"Cases of red measles have shown a sharp increase in the Windsor area since January, prompting the region's medical officer of health to question the vaccine currently being used.

"Dr. Joseph Jones noted Friday that almost all of the 144 cases reported in the Essex county-Windsor area since September occurred in the first two months of this year and that more than half of the cases involved children who have been immunized.

"Jones called on the Ontario government to investigate the effectiveness of the measles-mumps-rubella vaccine used in the province."

This is the vaccine we are using.

What I am trying to draw to the minister's attention in a very brief number of words tonight is: first, that we applaud him in moving forward to include the conscience clause; second, there are a number of people—and I have no idea how many—who find themselves trapped ethically because of the source of this vaccine; third, there seems to be some question from medical authorities that the vaccine may not be as effective as we think it is.

I would ask the minister in his response to my comments to deal with those issues.

Mr. Cooke: Mr. Speaker, I will be very brief. The minister will recall, even though he was not Minister of Health when the original bill was debated on June 29, 1982, that on this side and in this party we supported it.

Of course, as the minister will realize, prior to that bill, up to 20 per cent of school-aged children had not been immunized. Therefore, this was a bill we had encouraged the previous ministers to bring in.

In the compendium of information, the minister indicates the legislation has reduced considerably the number of students who have not been immunized. In many respects, the present legislation has been quite effective.

The original bill, as all members will realize, allowed for exceptions on medical grounds and religious belief. This bill expands the grounds to include the exception on religious and conscience grounds, which we support in accordance with the Constitution.

According to the compendium, this brings the legislation in line with the Charter of Rights. However, the minister has not provided any compendium of information that would bring evidence to say the present penalties have not been effective. I guess the bottom line with this

amendment to the legislation is my concern about the penalties that are in the new legislation.

I would suspect that the original bill, with its penalties of keeping children out of school, would bring some people into the system and into the process, and that would help to educate the family with respect to the necessity for immunizing children.

In the background information, the minister states that very few students have been withdrawn from school. I would really have appreciated some information from the minister that would indicate how many students have been withdrawn from school and how many of those individual problems have been resolved by the present legislation. Perhaps in his response he could give us that information.

There will still be a few students or parents of students who will refuse to comply with the legislation on whatever grounds. That remains a problem. I do not know what length of time students have had to remain out of school under the present legislation. Again, that information would have been very helpful.

This amendment is a rather substantial change from the present legislation, which raises a fair number of concerns in our party. No attempt has been made to substantiate why the change in the penalty section of this bill is necessary or to prove that a penalty up to \$1,000 would be more effective than that in the present legislation.

With the child welfare legislation in place and the counselling staff available in the education system, I suspect the present system could be more helpful than a fine of up to \$1,000 in getting immunization for students and explaining the legislation.

We are therefore opposing this legislation purely on the grounds of the penalty. I believe very strongly that penalties of up to \$1,000 can affect people of lower incomes in a much different way from those people of higher incomes. I suspect a large number of people who are not objecting to immunization on the grounds of conscience or religion do not understand the legislation, the process or the need for immunization.

In many cases, those are students who come from low-income families. That is why we have real difficulty with the \$1,000 fine. I would like the minister to explain why he has decided to change this basic principle in the original legislation.

In conclusion, I reiterate that with counselling staff from the school system, with individuals from the offices of the medical officers of health

and from the children's aid offices, the penalties in the present legislation would be much more effective than these fines which affect people from lower-income families to a much greater extent than those people from higher-income families.

The minister will see that if this legislation passes in its present form, by and large those who are fined are going to be people from low-income families who simply do not understand the process. I would ask the minister to review the penalty section, although it is probably too late.

The minister has known for a few weeks now that our party feels he should take a second look at the penalty of up to \$1,000. The present penalty section is more than adequate to deal with the problem of families that are not complying with the legislation and are not objecting on the basis of religious beliefs or conscience.

Mr. Nixon: Mr. Speaker, my colleague the member for Kitchener-Wilmot (Mr. Sweeney) has already indicated we intend to support the legislation. He too expressed a concern about the penalty of \$1,000. Of course, the principle of the bill deals with the reasons that parents might on grounds of conscience or for religious reasons exempt their children from the inoculation and immunization program. I would hope the exemptions would be very few indeed.

I agree the size of the penalty is going to be irrelevant. Now that the reasons for exemption have been expanded to a great degree, there will only be one reason for which individuals will not be taking part in the program, and the Minister of Health (Mr. Norton) is probably not in a position to know that one reason.

Kids will come home and say: "My God, we are getting the needle next week. Daddy, do I have to?" There are people who will say, "No, honey, you do not have to get the needle." I do not think that is a good enough reason.

I have experienced that myself. I had a fainter in the family who would practically pass out when he got a patch test. There are kids like that who really will protest violently. Sometimes their parents, who have not heard of diphtheria or anything such as that in the community in their lifetimes, will say, "I am sure it is all right."

I suggest a penalty of some sort, indicating the government and the Legislature take this matter seriously, is appropriate. I would agree with the last speaker and with my colleague who spoke first for the Liberal Party that the present penalty section is probably severe enough.

I would think most of the people who exempt their children from the immunization program do

so not because the original rubella vaccine developed in 1923 was based on diploid cells from an aborted foetus, although there are many people who would be concerned about that because of some religious program, but simply because it is too much trouble to force a reluctant kid to go through the treatment.

A public relations approach designed to meet the interests and needs of young people aged six to 10 would probably be money well spent. The minister would not have to take full-page ads in the local papers with his picture and name in it, but it could be an approach taken by the medical officer of health to indicate this is a program that does not necessarily have to be scary, certainly is not painful and is something any kid ought not to object to.

Many members will know that an organization in Brantford has established the W. Ross Macdonald Memorial Lectures. They have been very fortunate in getting men and women from all over the world to come as special lecturers. One of the best was one of our Ontario-grown people, Dr. John Evans, who has had a very impressive career. Not the least in his curriculum vitae is the fact that he was a federal Liberal candidate—unsuccessful.

Mr. Stokes: Unsuccessfully.

Mr. Nixon: I said that.

Among his many significant accomplishments, besides being past president of the University of Toronto, is his membership in the World Health Organization. He has travelled all over the world advising Third World nations and cultures on methods to improve public health.

The statistics he presented in this two-night lecture series were truly impressive. He indicated what could be done in certain countries. He mentioned that in South America they had a vaccination day when every kid in the country was inoculated on the same day in a country-wide program so that no one was missed. Everybody was done at schools or at home by teams of doctors and nurses who were trained in the country or had come in from other countries to assist. The fact that we have had it here for years as a matter of course tends to make us forget the tremendous boon such an inoculation program is to public health.

One of the statistics Dr. Evans quoted in the lecture series was on infant mortality in China in 1949 compared with the last three years in the People's Republic of China because of a concentrated public health program. They did not have the facilities to have the numbers of doctors available that we have, but they concen-

trated their scarce public dollars on programs that would be the most productive. The most useful one was a program of inoculation of young people.

The infant mortality rate has been reduced to the same level as that of Canada, the United States and a number of European countries. In 1949 the infant mortality rate was the same as that of the worst of the Third World communities where the infant mortality rate is absolutely horrendous. There is an interesting additional fact. Their cost for public health is \$10 per capita compared with the average Canadian cost of about \$1,700 per capita. In this way, they have achieved an infant mortality rate almost as good as ours; it is within a point or two.

Dr. Evans pointed out that in some Third World countries public health money directed by civil servants under the appropriate minister in these jurisdictions often goes for an open heart surgery unit or something like that, which the civil servants think may be useful to them and their highly placed friends. The scarce dollars are not directed towards the sorts of public health initiatives we take for granted and have taken for granted here for years.

The other thing he mentioned, and I feel it is useful to bring it to the minister's attention and to the attention of the House, is the depredations of rubella, a disease that has already been mentioned here tonight, where there is no vaccination. Whether or not our vaccination is as effective as it should be is something I am sure the minister will look into. Babies that are born deformed, blind, with other senses impaired—hearing and so on—or with their mental capabilities seriously impaired from rubella are just a worldwide catastrophe and something that we in this jurisdiction simply must be sure is going to have the minimum impingement on our community.

I certainly have no hesitation in giving my enthusiastic support. The penalty in the last legislation was, I believe, that the child could not continue to attend school without inoculation. For this reason there were instances in which young people were victimized because either their parents were careless or their conscientious objection was not met by the legislation as it then was. This is broadened to the point where any kind of objection—I hesitate to use the word "rational" in this connection, since my own feelings would not permit me to use it—is at least referred to in the bill.

I certainly would not object to the minister using money for public advertising if it were

directed through the schools to the children themselves so that the fear some of them feel about this sort of thing, believe it not, would be alleviated and they would understand they were taking part in a program in the community that was valuable for themselves as individuals and something the community expects.

I would be interested to see the results of the minister's initiative in that regard and I look forward to our immunization program being even more effective than it has been in the past.

Hon. Mr. Norton: Mr. Speaker, first of all, I am very encouraged by the indications of support for the legislation from the honourable members opposite.

I think it often escapes those of us who are living today that it was not all that long ago, and certainly within my lifetime, when we knew persons who suffered the ravages of poliomyelitis and persons who were victims of rubella syndrome as a result of having had a mother who had been exposed to rubella during the time she was carrying her child.

There is at least one generation of parents who do not know that kind of thing, who have never walked into a hospital and seen individuals living in iron lungs because they were not able to survive on their own as a result of the paralytic effects of polio.

The ravages of these diseases are something we must not forget, and they are not that distant. As recently as 1978—and I am sure the member for Brant-Oxford-Norfolk (Mr. Nixon) will remember this very well—we had, thank God, a minor outbreak of polio in this province, restricted to one community primarily, where, for reasons of religious conviction, the children had not been vaccinated. A stir of fear went across this province as a result of that outbreak.

In 1964, there was an outbreak of rubella in the United States that resulted in some 2.5 million cases. The aftermath of that is worth noting for those who may have doubts about the seriousness of this legislation. In that outbreak, in 30,000 instances foetuses were affected by the outbreak of rubella. Twenty thousand of them suffered from the congenital rubella syndrome: blindness, retardation, deafness, heart defects and various other effects. Ten thousand foetal deaths resulted from that outbreak of rubella.

9:20 p.m.

In a moment, I shall address the concern raised by the member for Kitchener-Wilmot, but I will first try to relate to the concern raised with respect to the penalty. To put in context the penalty we are proposing, the specific level was

arrived at so as to be consistent with the amendments to the Education Act that were before the House in relation to truancy.

Mr. Martel: That was pulled back.

Hon. Mr. Norton: However, to the best of my knowledge it was pulled back not because of concern about the level of the penalty but rather for other matters related to the procedures involved in dealing with the issue of truancy.

Mr. McClellan: Because there was a kangaroo court.

Hon. Mr. Norton: I guess there are no lawyers opposite at the moment and the member for Brant-Oxford-Norfolk will say, "Thank God for that."

The penalty is a maximum and would surely be applied with discretion. As the member knows, in the courts the maximum penalty is rarely applied. This allows for discretion in the application of the penalty.

The member asked how many cases there had been in the past year where individuals had to be suspended. There were 5,000 orders written by medical officers of health across the province. Fortunately, in slightly more than 4,000 of those cases the matter was rectified within a week. The total number of children suspended for longer than that was 990. It goes in gradations. Those suspended for longer than 60 days had been reduced to seven.

With the broadening of the exemptions and with the possibility that more individuals may wish, for reasons difficult to define, to seek to avoid the effect of the legislation, it is important that the penalty at least be that high and be consistent with that for truancy. To put it in context, the Health Protection and Promotion Act has a penalty of \$5,000 in its general penalty section; surely \$1,000 for something potentially as serious as this is not a major penalty in the context of the legislation.

I would like to address the concern raised by the member for Kitchener-Wilmot. I know it is causing great anxiety and mental and moral anguish to many people in the province today. I have probably heard from hundreds of people over the past couple of weeks as a result of what I believe to be a very unfortunate misunderstanding on the part of an individual who wrote an article in the paper that was delivered to my home the weekend following its publication. I was shocked when I read it because of the misunderstandings I perceived to be reflected in the article. Subsequent events and opinions have borne out that it was based on a fundamental misunderstanding.

I say with as much assurance as I can muster, on the basis of broad consultation with experts within my own ministry and elsewhere, that a foetus has never been aborted in Ontario for the purpose of manufacturing a vaccine. To the best of my knowledge, a foetus has never been aborted anywhere in the world for the purpose of manufacturing a vaccine.

It is true that for the kinds of vaccine used for rubella and for rabies it is necessary that the vaccine be grown in a live cell culture. Problems arose with the growing of the virus in a live animal cell culture because of the risk that it might unwittingly expose the children to foreign viruses that were present in the animal cells. I am told by medical experts that a much safer vaccine is developed through the use of the cells.

In 1962, I believe, they used diploid cells from the lung tissue of a foetus that had been aborted—not for that purpose, but aborted nevertheless—in Sweden. There have been none used since then, because the cell culture that was started then is continuous.

There is no human cell matter in the vaccine whatsoever. The vaccine is made from the viruses that are grown. To reject the vaccine on that basis seems to make even less sense, and I assure the member that I am at least as sensitive on this issue as he or anyone else in this Legislature and beyond. One surely would have to have a problem with the transfer of live human cells, whether it be through blood transfusions or otherwise.

In this instance there is no human cell involved; there is no foetal cell, if one wants to make a distinction between those, and I do not. It is the virus that makes the vaccine. It is live virus that has been altered so as not to develop the disease but to develop an immunity.

I was tremendously reassured by a leading theologian who is the chairman of Cardinal Carter's committee on bioethics. We had spoken to him before he was quoted publicly, but he publicly indicated that this was not a theological problem although it had appeared to be that for many.

I will be responding, I assure the members, to every individual who has written me in anguish because of the perception that his child might have been exposed to an injection that somehow contained a part of an aborted foetus—at least I believe that is what is causing the tremendous anguish—or even believing that a foetus had been aborted for the purpose of developing that vaccine. Neither of those cases is correct, and I shall respond in writing to every one of those

people who have written to me. I have been trying to develop a letter that is straightforward and as honest and as understandable as it can be in the hope of reducing this anxiety.

I will conclude by saying that I do appreciate the support, and that with the explanation I have tried to offer I hope the honourable members in both parties will see fit to support the legislation. I realize the members from the third party have seen this as an opportunity to accuse me of Russifying our legislation. I was not sure what that meant at first.

9:30 p.m.

Mr. Cooke: The minister is quoting someone who did not speak.

Mr. McClellan: Who said that?

Hon. Mr. Norton: It is the honourable member with the moustache on the left who said it.

Mr. Cooke: On the right.

Hon. Mr. Norton: It depends which way one is looking.

I do appreciate the support that has been expressed.

Motion agreed to.

Third reading also agreed to on motion.

CONCURRENCE IN SUPPLY, MINISTRY OF HEALTH

Mr. Sweeney: Mr. Speaker, I want to use this opportunity to thank the Minister of Health (Mr. Norton) for the 90 nursing home beds he provided for the region of Waterloo. I hope this will begin to relieve the acute care bed shortage I have brought to his attention a number of times. That shortage was still causing elective surgery to be delayed as recently as 10 days ago.

Mr. Stokes: Mr. Speaker, I would like to elicit some information from the Minister of Health as to when he, in concert with the Minister of Northern Affairs (Mr. Bernier), is going to come to grips with the crying need for extended care beds in literally every community in the north.

I believe there have been four such projects approved in principle by the Ministry of Health. The program was announced in the throne speech in the spring of 1982, but we have yet to see one bed materialize and be put into use in this very critical area in the delivery of health care in northern Ontario.

I would like the minister to indicate at least what the current position is with regard to the provision of those very badly needed extended care beds. In keeping with a note I have sent him

on two or three occasions, could he give me an update on the request by the board of directors of the Nipigon District Memorial Hospital for that badly needed facility, which also includes extended care beds?

Hon. Mr. Norton: Mr. Speaker, with respect to the request of the member for Lake Nipigon (Mr. Stokes), I undertake to get the details to him. In response to his note this afternoon, I have already initiated a request that my staff get the details and I shall respond to him in detail tomorrow, if at all possible.

Resolution concurred in.

CONCURRENCE IN SUPPLY, MINISTRY OF CITIZENSHIP AND CULTURE

Mr. Edighoffer: Mr. Speaker, I am sorry that I have to make a comment or two. I know it is difficult for the House leader of the New Democratic Party—

Mr. Martel: No, the honourable member should go ahead. I am going to bring my guys in right now.

Mr. Edighoffer: Is it okay? There are a couple of items that I felt should be brought to the minister's attention. One refers to the submission by the Ontario Council of Agencies Serving Immigrants. It appears that in the estimates, funding has increased for the ministry part of the budget and decreased for grants for the newcomer integration and newcomer language classes.

OCASI is quite concerned that there have been huge cuts in two of the main grant programs for community agencies under citizen development and newcomer integration, while almost \$1 million has been added to the internal expenditures. I hope this does not mean the minister is phasing out in due course, because it seems to me that on a number of occasions the Treasurer (Mr. Grossman) has suggested there should be more assistance from community groups.

I have some very brief comments on another item. Some honourable members may wonder why I want to refer to a rezoning application, but I feel I have to bring this to the attention of the minister. There is a rezoning application for an 18-unit, private nonprofit housing co-operative at 56 Wellesley Street East in Toronto; that is the Paul Kane house.

I was somewhat alarmed to find out that in 1978, a Wintario capital grant for \$170,000 was given to the city for the Paul Kane house. At that time, the Ontario Lottery Corporation Act stated

such grants were "for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor."

That \$170,000 was given to the city of Toronto, and as late as August 28, 1983, the minister wrote a letter to the city of Toronto agreeing that it could tear down half the Paul Kane house and develop 16 units behind it. She also agreed that the city could use the house for two housing units.

Is that grant going to remain intact? I feel it was given for housing accommodation rather than for cultural activities, and I would like to know what the minister plans to do with this in the future. I appreciate this is going before the Ontario Municipal Board on January 2; is the minister going to make a submission there?

9:40 p.m.

Mr. Grande: Mr. Speaker, I will be very brief, but I do want to raise three points with the minister. One concerns the Royal Ontario Museum and the questions I have asked Eddie Goodman in committee about tabling the minutes of the Royal Ontario Museum regarding the personal loans given to top managers of the museum and the specifics of the huge severance pay settlements for at least two of those managers. The minister will recall that Eddie Goodman said in committee, "I will send you the minutes." To this very day, I do not have the minutes of the Royal Ontario Museum.

I do not need to remind the minister that when we talk about the Royal Ontario Museum we are talking about \$100 million of taxpayers' money that has gone into that institution in the last three or four years. There is virtually no accountability because the museum's meetings are not open to members of the public who may be interested in that process.

I just want the commitment that Eddie Goodman made in committee to be followed through. The minister answered the question I had on the Orders and Notices by saying, "You did get the answer during the estimates, during the committee hearings." Mr. Goodman is not answering. Therefore, I suggest the minister get the answers to those questions in written form and send them over.

Second, I want to mention the Canadian Broadcasting Corp. cutbacks to the minister. We in this Legislature have been trying to get the minister to understand the kind of economic impact the cuts imposed by the federal government on the CBC will have in Ontario. I want to find out from the minister whether her ministry or someone else in the government has done a study

on the economic impact of the jobs that will be lost.

It is forecast that at least 500 CBC jobs are going to be lost here in Ontario. In effect, that means approximately \$9 million will be lost; the federal and Ontario governments will have a tax loss of \$2.5 million while unemployment insurance will cost in excess of \$6.5 million per annum. We are talking about a \$9-million loss as a result of 500 jobs lost at the CBC. I want this minister to tell us whether a study on the economic impact has been made with respect to the cuts the federal government is imposing on the CBC.

Third, and I asked this question in the Legislature of the Minister responsible for Women's Issues (Mr. Welch), what kind of response has the minister made to the federal government about the very high increases in citizenship application fees? Obviously she had prior information from Marcel Masse.

Effective May 1, 1985, applications for citizenship will rise from \$8 to \$25 for minors and from \$15 to \$40 for adults. I really do not understand the reason for this 213 per cent increase for minors and 166 per cent increase for adults who are trying to become Canadian citizens, especially when more than 50 per cent of the immigrants who come to Canada settle here in Ontario.

I want to know what the Minister of Citizenship and Culture had to say to Marcel Masse on this issue. I also want to know whether an economic impact study has been done on the CBC issue and I want to know about the answers I have not received from the Royal Ontario Museum.

Mr. Kerrio: Is the member for Lake Nipigon (Mr. Stokes) coming back on Monday?

Interjection.

Mr. Speaker: Order.

Mr. Kerrio: No, he is not coming back. I just wanted to get it on the record that he is not coming back on Monday.

Mr. Stokes: Mr. Speaker, I would like to spend just a few minutes speaking about something this minister has responsibility for, namely, the Indian community branch.

I did not have the opportunity of being here during the regular discussion of the estimates of this ministry. However, I did have an opportunity to discuss problems dealing with native people during the estimates of the Provincial Secretariat for Resources Development, the Ministry of Northern Affairs, somewhat earlier during the

estimates of the Ministry of Natural Resources, and somewhat more briefly during the estimates of the Ministry of Tourism and Recreation. All of those ministries and that secretariat have some responsibility for delivering services to native people.

The Provincial Secretary for Resources Development (Mr. Sterling) has a responsibility for co-ordinating the activities of government programs within the various ministries and in liaising with the federal government in the tripartite exercise that goes on between the federal government, the provincial government and native organizations.

During the estimates of the provincial secretariat, I was rather critical of the Indian community branch. Having had responsibility in this House for representing native people for in excess of 17 years now, I have availed myself of every opportunity to speak out on their behalf whether it be a social, economic or cultural problem.

When I hark back to when the Indian community branch used to be with an emanation of this government called the provincial secretary, I remember it had a larger amount of money allocated to it. At that time, my colleague the member for Bellwoods (Mr. McClellan) used to be quite active within that branch.

9:50 p.m.

I am sure the present minister will know the history. If she does not know the history, the record of this government over the years vis-à-vis our first citizens, perhaps she should take a little time to go back and see from whence that emanation came for which she is now responsible. If she does not already know, of the \$2 million that is allocated within her ministry for the delivery of services and for counselling of our first citizens through their various organizations or through their band councils, about \$1 million of it finds its way directly into assisting in the needs and aspirations of our native people. That is not to say no other ministries of this government assist in very tangible and worthwhile ways, for example, by providing airstrips in remote communities where no other forms of transportation are available. The province helps the native people in a variety of ways.

We do not have a government airline system serving the people who live beyond the 51st parallel in Ontario. We have private air carriers serving people who are for the most part on some form of social assistance. When they have to fly out of those communities, it may be worth the minister's while to find out how much it costs

them to take advantage of the airstrip program through private air carrier services.

It may be worth the minister's while to remind herself, as the one minister in the government who I think is more responsible than any other, that gasoline sells for \$6.25 a gallon in Fort Severn, an apple costs 50 cents, a loaf of bread costs \$1.80 and so on.

I made somewhat uncharitable remarks during the estimates of the Provincial Secretary for Resources Development. They caused him to do a little bit of research and a little bit of liaising, maybe even with this minister or with Fred Boden, who is the director of the Indian community branch within this ministry.

I take it the minister's nose was a little out of joint, and so was Fred Boden's. When I got the response from our colleague the provincial secretary, I made it my business to telephone Fred and say: "I have a list of the things you have done within my riding over the past couple of years, some of them of a social nature, some of an economic nature and some of a cultural nature. I appreciate what you are doing."

The only reason I am taking the time of the House is that if the minister is sincere in carrying out her mandate for all the people in Ontario, as I think she is, since her ministry has and she personally has a greater responsibility than any other member of the executive council for the delivery of services to our first citizens, I think she should be asking people who have some knowledge of the problem, such as myself, the member for Kenora (Mr. Bernier) or, to a certain extent, the member for Cochrane North (Mr. Piché).

The minister can point to \$1 million within her ministry that is dedicated to trying to bring our native people into the social and economic mainstream of Ontario and Canada. I think what she is doing now is playing around the fringes and the periphery. If she read the exchange between the Provincial Secretary for Resources Development and me on that occasion, I tried in a very positive and helpful sense, I hope, to outline the problems as I saw them and to give specific ideas on how we might collectively approach those problems. That was my reason for raising the matter on that occasion and that is my reason for raising it on this occasion.

If the minister is serious, I would like to hear her say so. If I can be of any assistance to her in carrying out that mandate, she need only give me a call.

Hon. Ms. Fish: Mr. Speaker, I was pleased to hear the offer of the member for Lake Nipigon to

assist in identifying areas of continued need to strengthen services for our native communities. I have been pleased to exchange correspondence with him in the past, and my officials have worked closely with him on a variety of issues.

However, I wish to point out one or two things about his remarks. The accounting he refers to, and I think he has been made aware of this by the officials, deals with a limited package of services provided by a specific grant to the native community. For example, it does not deal with the other supportive efforts in heritage or culture provided to natives through my ministry, nor does it take account of the considerable program dollars available through other line ministries with which we work in a co-operative fashion under the co-ordinating leadership of the Provincial Secretary for Resources Development in his position as chairman of the cabinet committee on native affairs.

Is it possible to improve? It is always possible to improve and I am always open to ideas, as are my colleagues. I would not want to let this opportunity go by without noting the context of the specific activity of the native community branch; it is a small part of the activities in support of our native peoples.

Let me turn quickly to some of the comments of the member for Oakwood (Mr. Grande) on the questions that were put to the chairman of the Royal Ontario Museum during estimates. The replies are being prepared and I expect to send them to him shortly. The information is coming; that strong commitment stands.

On the matter of the citizenship fees, I am quite concerned about any move that might have the effect of slowing down the taking out of citizenship or might in any way create a disincentive to newcomers to our province who are eligible for citizenship. Fees are one of those elements. I have raised the matter, not with Mr. Masse but with the Honourable Flora MacDonald. I have requested the opportunity to discuss the matter further in association with a number of agencies that directly serve the immigrant and newcomer community.

I am getting a couple of signals to move along. Let me touch briefly on an item raised by the member for Perth (Mr. Edighoffer), the Paul Kane house. The grants were provided for the heritage purpose of the Paul Kane house. I am satisfied those purposes and features will be retained with the requested altered use. The improvements to be made are predominantly for the preservation of the house form and many of its external features, rather than the internal

features. I would be pleased to sit down and discuss some of the details with the member at another time, if he wishes.

Resolution concurred in.

Resolutions for supply for the following ministries were concurred in by the House:

Provincial Secretariat for Social Development;

Provincial Secretariat for Justice.

House in committee of supply.

SUPPLEMENTARY ESTIMATES, OFFICE OF THE ASSEMBLY

Vote 1101 agreed to.

SUPPLEMENTARY ESTIMATES, OFFICE OF THE OMBUDSMAN

On vote 1301:

Mr. Philip: Mr. Chairman, I just wanted to say I am in complete agreement. The Ombudsman is doing an excellent job. His staff is doing an excellent job. He has listened intently and read the Hansards of the committee and the suggestions and is following them. I agree wholeheartedly that he should have this money.

Vote 1301 agreed to.

On motion by Hon. Mr. Eaton, the committee of supply reported certain resolutions.

Assistant Clerk: Mr. Treleaven from the committee of supply reports the following resolution:

That supply in the following supplementary amounts and to defray the expenses of the government ministries named be granted to Her Majesty for the fiscal year ending March 31, 1985:

Office of the Assembly, Office of the Assembly program, \$2,520,200;

Office of the Ombudsman, Office of the Ombudsman program, \$279,000.

Resolution concurred in.

CONCURRENCE IN SUPPLY

Resolutions for supply for the following offices were concurred in by the House:

Office of the Assembly;

Office of the Ombudsman.

The House adjourned at 10:05 p.m.

ERRATUM

No.	Page	Column	Line	Should read:
134	4699	1	33	mechanism which is in place under Bill 101 is

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Concurrence in supply

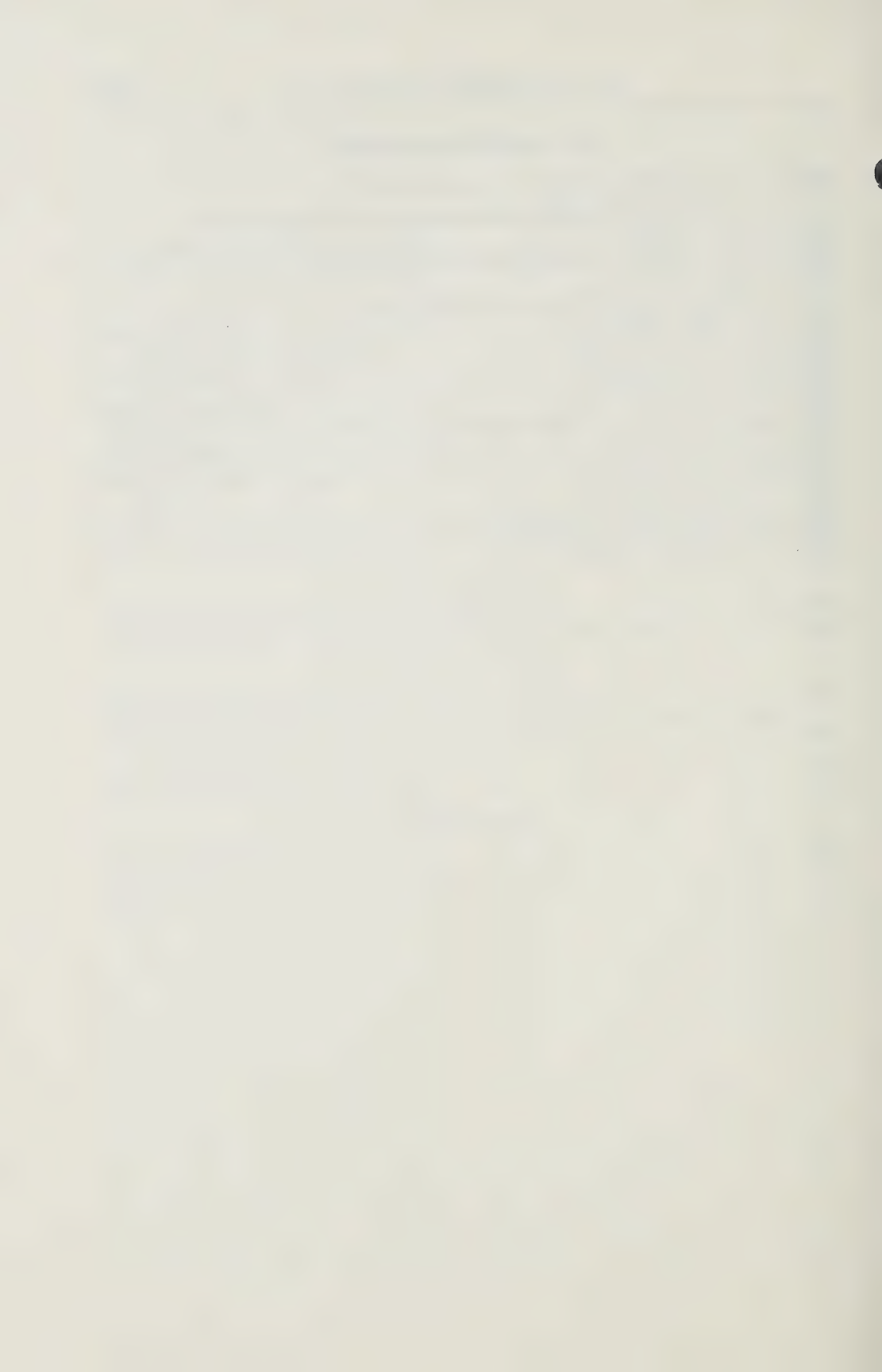
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No. 141

Hansard

Official Report of Debates

Legislative Assembly of Ontario

DEC 21 1984

Fourth Session, 32nd Parliament
Wednesday, December 12, 1984

Speaker: Honourable John M. Turner
Clerk: Roderick Lewis, QC

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Editor of Debates: Peter Brannan

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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday, December 12, 1984

The House met at 2 p.m.

Prayers.

ATTENDANCE OF MEMBER

Mr. Ruston: Mr. Speaker, I rise on a point of privilege that I believe is quite important. The member for Windsor-Riverside (Mr. Cooke), speaking in the Legislature on June 5, 1984, at page 2184 of Hansard, said I was absent from a vote on private member's bill 108 on November 17, 1983. I was in attendance at the vote, as is recorded in the Votes and Proceedings of November 17, 1983.

I do not think it is proper that one member can stand in his place and put an untruth on the official record of this House. I know you cannot force someone to correct the record, but I hope you will do whatever you can. If not, I will have no alternative but to put a motion in the House that proper proceedings be taken against the member.

Mr. Speaker: It is not my role to act as judge.

Mr. Eakins: Mr. Speaker, I also rise on a point of privilege. I would like to bring to your attention that the member for Windsor-Riverside, speaking in the House on June 5, 1984, at page 2183 of Hansard, said I was not present for a vote on Ms. Copps's resolution on equal pay for work of equal value. That is a complete falsehood. As the Votes and Proceedings of October 20, 1983, will verify, I was in attendance on that day. I, therefore, demand a retraction of that statement from the member. I think it is time he got his facts straight.

[Later]

Mr. Cooke: Mr. Speaker, I have been waiting for several months for the member for Essex North (Mr. Ruston) to bring forward his resolution so I could correct the record. Both he and the member for Victoria-Haliburton (Mr. Eakins) are quite correct.

Mr. Speaker: Thank you very much.

TABLING OF INFORMATION

Mr. Martel: Mr. Speaker, on a point of privilege: Perhaps you can be of assistance to me. On October 11, 1984, I asked the Minister of Tourism and Recreation (Mr. Baetz) if he would

table in the Legislature the reports from the Metropolitan Toronto Hockey League. He indicated at the time that he would, but I am still awaiting them. I wonder if Mr. Speaker could use his good offices to obtain the reports the minister promised to table here.

Mr. Speaker: That is hardly a point of privilege, but I am sure the minister heard your request and will act accordingly.

Mr. Martel: Yes, I am sure he did.

STATEMENTS BY THE MINISTRY

INTERNATIONAL YOUTH YEAR

Hon. Mr. Dean: Mr. Speaker, I would like to remind all honourable members that 1985 will be International Youth Year. This year, which has been proclaimed by the United Nations, will be celebrated in 113 countries around the world. Canada is participating through the office of the Secretary of State.

In Ontario, an International Youth Year co-ordination unit has been set up within the Provincial Secretariat for Social Development, and work is under way to focus next year on the 1.5 million Ontarians aged 15 to 24 years. With the imaginative theme of "Visions for the Future," our co-ordinating unit will reach out to youth organizations, community agencies, municipalities, our education system and the private sector. We hope all segments of our society will take part in this recognition of our young people.

Thoreau said, "Dreams are the touchstones of our characters."

Interjections.

Hon. Mr. Dean: I thank members for that support.

I believe the dreams of the young are the touchstones of our changing society. Young people are worried about their world, about the physical planet we inhabit and about the social order our people develop. It is up to us to give them cause for hope, for it is only with hope that their visions of the future will mature and unfold in a world in which they can live in peace.

Interjections.

Mr. Speaker: Order.

Hon. Mr. Dean: In the year ahead, all of us have a collective opportunity to assure our young people that we have faith in them and that we need their dreams. While mindful that there will always be a small portion of our young people who need extraordinary support from our society, this year we hope to focus on the young achievers in Ontario. Through them, our visions of the future will be transformed into a new and better world.

PRICING OF BEVERAGE ALCOHOL

Hon. Mr. Elgie: Mr. Speaker, the government, along with citizens' groups and organizations such as the Ontario hospitality industry and law enforcement agencies, is concerned about the effect of excessive drinking prior to driving. A particular concern expressed is with discount pricing of beverage alcohol in some licensed establishments.

As a result, it has been decided, in consultation with and with the support of the Ontario Restaurant and Foodservices Association and the Ontario Hotel and Motel Association, to amend regulations of the Liquor Licence Board of Ontario to require that no price variation be permitted on beverage alcohol sold by licensed establishments, except when live entertainment is provided. The ministries of Tourism and Recreation and of the Attorney General have also been consulted and they support this decision.

Hospitality industry officials point out that 80 to 85 per cent of all alcoholic beverages are purchased for home consumption and that the majority of alcohol abuse takes place outside of licensed premises. They are prepared, however, to endorse the new regulations in the hope that they will contribute to the lessening of the potential hazards of drinking and driving. Hospitality representatives share our concern and have assured us they will do whatever they can to help prevent death, injury or property damage resulting from drinking and driving. I commend them for their unselfish support.

We do not take lightly the imposition of additional regulations on this industry, but our response to a growing public concern leaves no other responsible choice. The introduction of such programs as RIDE, the reduce impaired driving everywhere program, and the recent establishment of the drinking-driving counter-measures office reflect the growing concern of the government and the public over drinking and driving.

2:10 p.m.

ORAL QUESTIONS

Mr. Peterson: Mr. Speaker, perhaps you would be good enough to inform me whether the Attorney General (Mr. McMurtry) is going to be in the House today. He is listed as being here. Perhaps the government House leader knows the answer to that question. We are expecting him?

Mr. Speaker: Question, please.

Mr. Peterson: I will await his presence for one of my questions.

SPADINA EXPRESSWAY

Mr. Peterson: In the meantime, Mr. Speaker, I will ask a question of the Minister of Government Services about his policy, or lack thereof, of preserving the integrity of the Premier (Mr. Davis) with regard to his commitment to stop Spadina.

I read today in the Toronto Star that the Minister of Industry and Trade (Mr. F. S. Miller) will push for more expressways, particularly from the northwest, which presumably means he supports the Spadina expressway extension; at least, that is the way I read the article that was printed today.

Is the Minister of Government Services in a conflict of interest between preserving the promise of the Premier and supporting the Minister of Industry and Trade, who aspires to that great job and who would change the policy of the present Premier? How can he expect to judge this question rationally when he is the one responsible for executing the Premier's policy?

Hon. Mr. Ashe: No, Mr. Speaker.

Mr. Peterson: Is the minister going to do anything, or is he going to let this question lie? Is he going to honour the Premier's commitment? Is he going to preserve the Premier's promise, or is he going to do nothing? Time is running out, as he knows. What is he going to do? He has been handed a number of options. Is he going to act, or is he going to break the promise?

Hon. Mr. Ashe: As I indicated both yesterday and the day before in response to similar questions, as far as I am concerned the government is fulfilling the commitments that were made by the Premier.

The transactions concerning the ownership of the land have already taken place. I have signed the leases that transfer the lands in question by way of a lease for 99 years to the municipality of Metropolitan Toronto and to the city of Toronto. As I have indicated before, they will be finalized before Christmas. As far as I am concerned, they are completed now, they require only the

signatures of the other two municipalities; and that, to me, fulfils in spirit the commitment made by the Premier.

It is very easy to bury in these exchanges the fact that a number of years ago negotiations went on in relation to this so-called three-foot strip, and an offer of a three-foot strip was turned down by the jurisdiction known as the city of Toronto. Without the concurrence of the other municipality, in this case the city of York, it would be arbitrary and unfair for this government and this minister to try to bring about such a situation, which could be done only by legislation at this time.

Mr. McClellan: Mr. Speaker, for the third day in a row the Minister of Government Services has repudiated written commitments by the Premier, who I assume is at the other end of this microphone somewhere and who is refusing to come into the Legislature and uphold his policy.

Now the Minister of Government Services refers to the "so-called three-foot strip." Does the minister understand that the Premier made solemn commitments to legislate a three-foot strip in the city of York if a negotiated settlement could not be achieved between the city of Toronto and the city of York? Is he saying for the third time in a row that he intends to repudiate those solemn commitments made by the Premier of this province?

Hon. Mr. Ashe: Mr. Speaker, nothing is being repudiated in the commitments made by the Premier. The Premier said that if and when agreement was not reached between the city of Toronto and the city of York—and I do not think we are at that stage yet—the province could consider taking arbitrary and unilateral action.

That is not the course this government follows. We like to see neighbours getting along with each other, and that is exactly what we are talking about. Can the honourable member tell me when the mayor of Toronto last approached the mayor of York on this issue?

Mr. Peterson: That is nonsense and the minister knows it. He knows York was opposed to it when the Premier made the original promise, and nothing has changed in that regard. He made the promise; the minister's job is to fulfil it, and he is backing off now. His friend and associate, the one he supports for the leadership, now is saying he is going to renege on that promise.

Mr. Speaker: Question, please.

Mr. Peterson: What guarantees do we have from the minister that this promise will not be

reneged on by some future successor of the present Premier? And remember, his words now will be remembered.

Hon. Mr. Ashe: Yes. Hansard works both ways.

The important part of this issue, which some members opposite do not appreciate, is that the will of this body is supreme. Regardless of who is the leader of this government in the future, whichever member on this side becomes the leader of this government in the very near future, this body, through an act of the Legislature, can change its mind on virtually any issue within its mandate. It has nothing to do with who the Premier will be.

There is no conflict on this issue. The Minister of Industry and Trade has not even discussed the issue.

Mr. Peterson: Mr. Speaker, I have a question for the Attorney General, who I understand is attending. Oh, he is not coming now? Perhaps he is phoning Dr. Morgentaler; I do not know.

Is the Minister of Community and Social Services (Mr. Drea) here? I do not see his sweater.

Hon. Mr. Wells: He is in committee.

Mr. Peterson: Perhaps I will wait for him then.

Mr. Speaker: Let us proceed with the first question for the New Democratic Party.

Mr. Rae: Mr. Speaker, I had a question as well for the Attorney General, who we understood was going to be here, and then one for the Provincial Secretary for Justice (Mr. Walker), who was here and has since left the chamber.

PRICING OF BEVERAGE ALCOHOL

Mr. Rae: Mr. Speaker, in the absence of both those gentlemen, which makes it very difficult to proceed, and in the absence of the Minister of Citizenship and Culture (Ms. Fish), I would like to ask the Minister of Consumer and Commercial Relations a question relating to the statement he made today.

Can he explain why a tavern will be exempted if it provides either table dancers or strip-tease artists and will therefore be allowed to have a happy hour? Can he explain why that exemption was put forward in his statement today?

Hon. Mr. Elgie: Mr. Speaker, that is not a new exemption; it was in the act before it was amended in 1982. It has nothing to do with the nature of the entertainment; it simply relates to the fact that entertainment of any variety will cost

the licensed establishment more, and it reflects that.

Mr. Rae: The minister says he is interested in solving this problem, and he says the happy hour provides an inducement to people to drink too much, I assume, and then go out and drive. Is it not true then, according to his statement today, that it would be perfectly possible for a licensed establishment simply to provide live entertainment and thereby totally evade the purpose of the statement he made today?

Hon. Mr. Elgie: If the honourable member will read the regulation, it says the board may require a filing of information, including information on prices, if it deems that anything inappropriate is going on. It really does not change anything from what it was before 1982; that is not the issue at all.

Mr. Conway: Does Mary Brown know about this?

Hon. Mr. Elgie: Does the member's mother know about it?

Mr. Rae: The minister has stated that hospitality industry officials have said that 80 to 85 per cent of all alcoholic beverages are purchased for home consumption and that the majority of alcohol abuse takes place outside licensed establishments.

If that statement is not true, I assume the minister would not have put it into his statement. If it is true, the obvious question to ask the minister is why is he not doing anything about lifestyle advertising, which the minister would surely admit contributes to alcohol abuse in the home outside licensed establishments. If he is really interested in dealing with the problem, why does he not start to deal with it?

2:20 p.m.

Hon. Mr. Elgie: As I have mentioned in the House before, the Attorney General, the Minister of Health (Mr. Norton) and I have already had meetings on this very issue. We are arranging to meet with the Liquor Licence Board of Ontario in the near future to discuss the issue, and to meet with the industry to get down to the business of getting rid of lifestyle advertising that may be contributing to the problem.

Mr. Rae: Mr. Speaker, I ask for your assistance. The Provincial Secretary for Justice was here until a moment ago. The Attorney General was supposed to be here. Surely the least the government can do is ensure that ministers who are in attendance at the start of question period remain here to allow us to ask questions. It is impossible to carry on if at least that minimum

is not provided. I will stand down my question until one of those ministers returns.

CHEDOKE MEDICAL CENTRE

Mr. Sweeney: Mr. Speaker, a question for the Minister of Health that is coming up a lot faster than I expected.

The minister will be aware that Chedoke medical centre spreads over 175 acres of land, and that for a long time there has been a problem at the facility to rationalize the use of the buildings. In 1981, approval was given to a plan of redevelopment by his predecessor twice removed. Approval of a master plan was received in August 1983.

In the interests of quick funding support, Chedoke has agreed to put up half the \$55 million required. Given this is a long-standing problem and they want to get at it, is the minister prepared to put up the other half?

Hon. Mr. Norton: Mr. Speaker, any time an institution is prepared to make such commitments it is obviously very appealing from my perspective to try to be co-operative. However, in considering such requests I also have to bear in mind the other existing priorities across the province. I do not have in my capital budget for this fiscal year the money that would allow me to make that commitment.

I have not personally seen any such request from Chedoke, but I am quite prepared to look at any proposal that is forthcoming and to consider it in the context of the other competing priorities. If it is possible to make a commitment, of course I will do so.

Mr. Sweeney: The minister might be aware that while Chedoke is prepared to put up this money, like some other hospitals it is having to dip into the fund for operating expenses as time goes on, so it really is important that a decision be given quickly.

At present, more than 500 people in the Hamilton area are awaiting long-term care placement. Of these, 150 are currently in acute care facilities. On Monday, December 3, the district health council approved an additional 111 chronic care beds. Will the minister be approving this allocation as part of the redevelopment?

Hon. Mr. Norton: The timing of any approval of further beds in the system across the province depends on the availability of an allocation of funding to operate them. Within the last few days, as the member is likely aware, I have announced additional beds in chronic, acute and extended care facilities across the province. I believe the total is in excess of 700.

The recommendation that may be forthcoming from the district health council has not reached my desk at this stage and will have to be looked at in the context of capital requirements, if it involves capital requirements—if it is chronic care beds, I assume it would—as well as the availability of operating funds in next year's funding allocation for the operation of chronic care beds.

By the way, I suggest any hospital that is dipping into its capital resources for—

Mr. Speaker: Thank you, Minister.

Mr. Rae: Mr. Speaker, I wonder if the minister can tell us how he found time to make a political announcement last week in Ottawa with respect to new beds but did not find time to do the same thing for Hamilton?

Hon. Mr. Norton: Mr. Speaker, if the honourable member or his staff had been watching the local media lately they would have discovered that on the day the announcement was made in Ottawa there were announcements made in other communities, such as York. There were two major announcements there. The following day, there were announcements in Chatham, and to the best of my knowledge there was no by-election in Chatham. There have been announcements in Thunder Bay, and I am not aware of any by-election in Thunder Bay.

There have been announcements in every part of this province over the last two or three days and I can assure the member that the timing had only to do with the difficulty, in a time of fiscal restraint, of getting the resources. It had nothing whatsoever to do with the timing of any by-election. If his view is that he would have rather had it delayed in Ottawa, why does he not stand up and say so?

Mr. Rae: I just want the minister to stop discriminating against Hamilton, that is all.

Mr. Speaker: I have a question for—

Mr. Speaker: Just for my own information, is this one of the leader's questions?

Mr. Rae: Yes. I was going to say we will see how it goes, but yes, it is.

Mr. Speaker: We have been slipping back and forth.

Mr. Rae: I am the leader and this is my question.

Mr. Speaker: No doubt.

CUTBACKS AT CBC

Mr. Rae: Mr. Speaker, I have a question for the Minister of Citizenship and Culture. It is about the very disturbing announcements that

were made yesterday with respect to layoffs by the Canadian Broadcasting Corp. I am sure the minister will know that at least 48 jobs are going to be lost in Windsor, 262 in Toronto, 174 in Ottawa and three in northwestern Ontario.

What is the response of her ministry and her government to these very serious cuts in programming? They are very serious cuts in terms of culture and very serious cuts in terms of jobs. What is she doing about the situation, particularly as it affects those four regional centres affected by these cuts?

Hon. Ms. Fish: Mr. Speaker, as I tried to indicate yesterday, the cuts are under the purview of the CBC and its officials. I take the view that their decisions are appropriately the decisions of the officials of the CBC. I do hold very strongly to an arm's-length principle with respect to the particulars of the decisions.

I am advised, however, that the overwhelming majority of the decisions taken by CBC officials are to find economies within the administrative areas rather than the programming areas and that I certainly hope those will be the priorities established by the officials per their announcements.

Mr. Rae: The minister does not know what she is talking about. Arm's length should not mean complete and total ignorance as to the effect of these decisions. If it was done by any private sector employer, she would be far better informed.

What is the response of her ministry in terms of the effects on programming? It is going to have an effect on programming in Windsor; it is going to have an effect on programming in northwestern Ontario; it is going to have an effect on programming in eastern Ontario, and it is going to have an effect on programming and jobs in the city of Toronto, and all of Ontario as a result of that.

What is the response of the Ministry of Citizenship and Culture to a cutback which impacts severely not only on an industry which is basic to this province, the cultural and communications industry, but it is also going to have an impact in terms of jobs and in terms of culture? What is the minister's response? Why is she being so abject and sitting back and saying nothing when it affects 1,150 jobs across Canada and nearly 500 jobs in Ontario alone?

Hon. Ms. Fish: I do not think increased decibels have any particular correlation to concern, interest, involvement, understanding or knowledge.

Interjections.

Hon. Ms. Fish: When I spoke of an arm's-length perspective, I spoke very seriously about that. The member is fully aware that restraints have been applied by the federal government across a number of ministries, crown corporations and agencies. The specific decisions within constraints that have been applied to the CBC are properly the purview of the CBC.

Mr. Mancini: That is what we get for electing a Tory in Essex county. We lost jobs right away. As soon as we elect Tories we lose jobs.

Mr. Speaker: Order.

2:30 p.m.

Hon. Ms. Fish: I am surprised the member would suggest that I have any other particular involvement in the details of—

Interjections.

Mr. Speaker: Order. The member for Essex South (Mr. Mancini) will please not participate unless he is asking a direct question.

Mr. Mancini: Their kissing cousins in Ottawa are—

Mr. Speaker: Order. I will not caution you again. Resume your seat.

Mr. Wrye: Mr. Speaker, the minister's concern is almost as nonexistent as her knowledge on this issue.

In Windsor, five producers have been cut, 11 technicians of the National Association of Broadcast Employees and Technicians, 17 workers employed with the Canadian Union of Public Employees and one with the Association of Canadian Television and Radio Artists. When did they become administrative people?

The minister will be aware that in the city of Windsor, every program other than news on a Monday-to-Friday basis has been cut. That includes weekend news, all variety programming, the agricultural program and every other program on that station.

Mr. Speaker: Question, please.

Mr. Wrye: One of the mandates of the Ministry of Citizenship and Culture Act is to ensure the creative and participatory nature of cultural life in Ontario. In view of this, what representations is the minister making to Mr. Masse and/or Mr. Juneau to roll back the Tuesday afternoon massacre?

Hon. Ms. Fish: Mr. Speaker, the information I have—

Mr. Mancini: As a minister, you know there is a fairer way to do it.

Mr. Speaker: Order.

Hon. Ms. Fish: The information I have been working on has been the information supplied directly by the CBC officials, particularly Mr. Juneau and his representatives. It has been made very clear that the overwhelming source of the economies they were striving for were in the administrative area. They did not suggest it was 100 per cent; I do not suggest it is 100 per cent.

I would like to deal very specifically with the question of whether there should be involvement by me in the particulars of the decision. I find the suggestion shockingly contradictory that this minister should probe inside the CBC or any other arts agency to deal with the particulars of the—

Interjections.

Mr. Speaker: Order.

Mr. Cooke: I suspect we would get quite a different answer from the minister if another political party was still in power in Ottawa.

Mr. Speaker, if the minister is so well informed on this situation, does she realize the implications for a city such as Windsor? It has about eight Detroit radio and TV stations with lots of American news. On weekends, we will get no local Canadian news whatsoever from Windsor. It will all be American local news. Neither will there be any local news on CBC radio on weekends.

Mr. Speaker: Question, please.

Mr. Cooke: As the Minister of Citizenship and Culture, is she prepared to protect Canadian culture? Will she allow that to happen or will she make representation to the federal government and object on behalf of our citizens? We happen to be part of Ontario and Canada, even though the Conservative Party does not seem to accept that. Is the minister going to make representation and try to protect our people and the jobs that are lost, or is she just going to sit back and try to protect the Conservative government in Canada?

Hon. Ms. Fish: Mr. Speaker, neither the members on this side of the House nor those on that side can have it both ways. They cannot say on the one hand the decisions respecting programming and the conduct of our cultural agencies are appropriately within the ambit of those agencies and should not—I repeat, should not—be the subject of direct involvement and instruction from the political end, and at the same time suggest that should be the case.

Interjections.

Mr. Speaker: Order.

Hon. Ms. Fish: TVOntario's board is responsible for its programming, I do not—

Mr. Speaker: Order.

ABORTION CLINIC

Mr. Peterson: Mr. Speaker, I gather the Attorney General (Mr. McMurtry) is not going to show up in the House today, so I will refer my question to the Solicitor General, his colleague in the whole Morgentaler matter.

Have the Solicitor General and the Attorney General now had the opportunity to convey personally to Dr. Morgentaler their message calling for restraint? What was his response to their call for restraint? What has he communicated to them? Do I interpret the words of the spokesman for Dr. Morgentaler as stating the position they are taking, that they are not going to close down?

Hon. G. W. Taylor: Mr. Speaker, I have never talked to Dr. Morgentaler or given him any messages. I have no knowledge of what the Attorney General has done between the time he made his statement yesterday and today.

Mr. Peterson: I find it extraordinary that sometimes the minister does have knowledge and sometimes he does not, when it suits his purposes. He was the one who said he was going to move in and close down that clinic. To the best of my knowledge, it is still running today and has refused the invitation of the Attorney General to exercise restraint.

Mr. Speaker: Question, please.

Mr. Peterson: My question to the Solicitor General is a very simple one. What is he going to do now?

Hon. G. W. Taylor: I never made any statement that I was going to close down the Morgentaler Clinic. The member has not put a proper preamble to his question so I cannot answer it. He is a lawyer and I am sure he read the statement the Attorney General made last week and understands there will be no trial proceedings. The police or any other individual can secure the evidence, talk to the crown law officers, lay charges if they so decide, and if the evidence is sufficient police officers can exercise their discretion to lay those charges.

Mr. Rae: Mr. Speaker, can the Solicitor General explain to us why in all the statements he has made in the last few days with respect to his private view that the police more than likely will conduct a raid, he has never stated, nor has the Attorney General, that four times in the last 12 years juries in Quebec and Ontario have found

the defence of necessity to be a compelling defence against a breach of section 251 of the Criminal Code?

Does he not think that the findings of four juries should have a persuasive impact on the conduct of the police, the Solicitor General and the Attorney General of Ontario with respect to this matter?

Hon. G. W. Taylor: Mr. Speaker, the honourable member would no more want me to have the power to instruct the police to lay charges than he would want me to have the power to instruct them not to lay charges.

Mr. Rae: That is not what I said. That is not what I asked the minister to do.

Hon. G. W. Taylor: The member knows the law as it stands in Ontario. The Attorney General speaks for the interpretation of that law. I have not said the police will raid the Morgentaler Clinic. I made a statement that I expect the police will lay charges in the matter; no more and no less than that.

When one looks at what the member has said in regard to four discharges, they have been separate instances. The law still stands. The Attorney General is appealing that particular law to find out whether there is such a defence of necessity in our courts and then possibly in the Supreme Court of Canada, if that is the route it goes. I am sure the members of this Legislature understand the law as it is. We are trying, in a very emotional and difficult situation, to have that law applied as equally to this individual as we would have it applied to anybody else in Ontario.

Mr. Williams: Mr. Speaker, can the Solicitor General not put to rest the minds of all law-abiding citizens of this province by simply going out into the lobby, picking up the phone and calling Police Chief Marks, then coming back here and letting us know that he has consulted with the crown law officers and determined there is sufficient evidence for him to go out and lay charges against the illegal acts being committed at 85 Harbord Street?

2:40 p.m.

Hon. G. W. Taylor: Mr. Speaker, although the honourable member has a very compelling interest in this particular matter, which is topical, I do not go out and phone the different police chiefs and ask whether they are going to lay charges and whether they are investigating.

If they are investigating and if they inform me that they are investigating—indeed, in some situations I tell them to investigate—I would

usually answer the same thing. If they are conducting an ongoing investigation, I can answer no further on it. I can give no information on whether a police chief is consulting on the evidence that is coming forward. If he is collecting evidence and consulting with the crown law officers, if that is taking place, I am sure he will inform us, as he has the duty to do at the appropriate time, but I will not be consulting the chief of police on that.

Mr. Peterson: I am amazed at the occasions when the minister and his colleagues choose to plead ignorance.

Apart from that, the minister is aware that his colleague came into this House yesterday and made an extraordinary plea, the like of which I have never heard in my life, asking that people desist from certain kinds of conduct without even communicating directly with the parties. Presumably, those parties have not even heard, because the Solicitor General has not communicated with them, or maybe the Attorney General has not communicated with them yet, so they would know what the request is.

Mr. Speaker: Question, please.

Mr. Peterson: They are carrying on with that so-called illegal activity.

Was it a legal ploy or was it a political ploy that the minister's colleague chose to exercise yesterday? What is the minister going to do if Dr. Morgentaler does not follow his advice and close down the clinic? Clearly the ball is back in the minister's court. What is he going to do?

Hon. G. W. Taylor: The members heard the Attorney General reply yesterday to a very similar question. His statement speaks for itself. I will not interpret his statement for the honourable member; he can formulate his own opinions.

The member asks what am I going to do concerning the other matters. It is at the discretion of the police to decide whether to lay charges or not. That has been repeated many times to the member in this House.

[Later]

Mr. Williams: Mr. Speaker, I have a question for the Solicitor General. If he is not prepared to go out and call Chief Marks about the matter I discussed with him a few moments ago, will he consider going out and calling the chief to ask him why nothing appears to have happened there in the past 48 hours and why they still have the police guards around 85 Harbord Street?

Why will the chief not call off his police officers so they are not left in the humiliating and

disgraceful position of having to provide protection to someone who considers himself above the law so he can engage in criminal activity with impunity?

Hon. G. W. Taylor: Mr. Speaker, I believe the police are there, although if one may interpret it as the honourable member has, I think they are there for the primary purpose of keeping the peace in the area. Previous situations have resulted in difficulties, and they are there to prevent those difficulties from happening in the future.

If the chief thinks it is worth having them on duty, it is within his discretion to leave those officers there so that nobody brings harm to himself, or to other people, while the individual is conducting whatever he is conducting in that clinic.

Mr. Williams: Surely observations can be carried out without having to surround the building like an armed camp and in that way intimidate people who are lawfully walking back and forth along the street. Some discretion could be exercised by calling off the police officers and maintaining a watching position some distance away, without having them encamp on the front step of that building. They are there to serve and protect the law-abiding people of this province, not those who are engaging in criminal activities.

Hon. G. W. Taylor: If it happened to be crowd control outside on our steps, some strike situation or a parade, the police officers would always be there to protect the people engaged in the situation to ensure it was done in a peaceful manner. I recognize the individual's very personal concern about this matter; we all have that.

Recognizing past experience, it is within the discretion of the chief of police of Toronto to deploy his officers where he thinks necessary, for the safety of the people in that area and for other reasons.

Mr. Sweeney: Mr. Speaker, the minister talks about no harm coming to anyone. I wonder if the six aborted babies on Monday, the 10 on Tuesday, and God only knows how many today would agree with that. How many babies are going to have to be aborted before this government or this minister does something?

Hon. G. W. Taylor: Mr. Speaker, the honourable member has expressed his opinion on it. The chief of police still has to act within his discretion based on how he sees the situation and how it is developing in regard to all the people in that vicinity.

RENAMING OF BURLINGTON BAY SKYWAY

Mr. Samis: Mr. Speaker, my question is to the Minister of Transportation and Communications on a somewhat less contentious matter.

In view of the fact that he received an 18,000-name petition, and in view of the fact that this petition was unanimously endorsed by the Halton regional council, the Burlington city council and the Burlington Chamber of Commerce, and approved by Mayor Robert Morrow of Hamilton, will the minister tell us whether he is going to rescind his decision to rename the Burlington Bay Skyway as the James Allan Parkway and if not, why not?

Hon. Mr. Snow: Mr. Speaker, I did meet with the delegation from Burlington yesterday. I had discussions with them and received the petition they brought me. We discussed some options. I advised them it was a decision of cabinet and a cabinet minute to change that name. I told them I was prepared to go back and discuss the matter with cabinet, but they asked me not to do so at the present time. They wanted some time to think it over and they will get back to me in January. Naturally, I abided by their wishes.

Mr. Samis: Since the delegation made it clear that it does not accept the minister's compromise, in true Yuletide spirit will the minister, being a man of generous resources, use the full weight of his position to get the James Snow Parkway name changed to the James Allan Parkway and satisfy everybody?

Hon. Mr. Snow: I think the honourable member will have to contact the town of Milton in the region of Halton to do that, since it is not our road.

URBAN TRANSPORTATION DEVELOPMENT CORP.

Mr. Eakins: Mr. Speaker, my question for the Minister of Transportation and Communications concerns the accidents, delays and cost overruns of the Urban Transportation Development Corp. transit project in Detroit. In the latest in a series of accidents, there were reports yesterday of a 95-foot, 100-ton steel and concrete beam slipping from its mooring and plummeting to the ground.

A newspaper reported that a top UTDC official, Phil Stevenson, admitted the problem-plagued Detroit project could hurt future international sales. Last week in this House the minister assured us that the UTDC is not to blame for the cost overruns. However, regardless of who is to

blame for the cost overruns, accidents and so forth, the reputation of the UTDC now is on the line. What action is the minister taking to protect the reputation of the UTDC?

Hon. Mr. Snow: Mr. Speaker, I do not think the reputation of the UTDC is in jeopardy at this time. I was made aware of the hoisting accident that took place over the weekend. As I understand it, the erection contractor was raising a large segment of the beam with two cranes. Due to the slippage or release of one of the locks on one of the cranes, the beam swung, consequently overloading the other crane, and the beam fell to the ground and was broken. I do not know at this time whether it was a mechanical or manual error.

It is my understanding from the UTDC that this mishap will be covered by the insurance of the crane operators and erection contractors, whichever is responsible. It was an unfortunate incident. Luckily, the way it was handled, no one was injured.

2:50 p.m.

Mr. Eakins: The Toronto Sun reports Mr. Stevenson has further suggested this project may have to be halted altogether if United States federal funds are withheld. Can the minister assure us that the project will continue and that the project is going to be brought to a successful conclusion?

Hon. Mr. Snow: No. I am afraid I do not have control of the federal funds of the United States of America. I am sorry if the honourable member thought I did, but I do not have the control of the federal treasury.

FAMILY LAW REFORM

Mr. Rae: Mr. Speaker, in the absence of the Attorney General, I have a question for the Provincial Secretary for Justice. I would be glad to send over to the provincial secretary a full page of headlines on the Attorney General about family law reform, all the things that are going to be done. The Attorney General wants all family assets equally shared in divorce—

Mr. Speaker: Question, please.

Mr. Rae: I wonder whether the minister can confirm that in discussions today with the women's groups that appeared before his caucus, as they appeared before ours and before the Liberal Party's caucus, that the provincial secretary said there was still some argument within the cabinet with respect to the question of division of assets. Is that the case? If that is so, why is it that the Attorney General has been

going all over Ontario, not to say even further, promising things which apparently he cannot deliver?

Hon. Mr. Walker: Mr. Speaker, I am sure the Attorney General can be asked any questions relating to things he may or may not have said and any reports that may have come forth on that subject.

I can, however, confirm there has been some ongoing debate for many months on the issues related to family law reform. Indeed, that particular item was discussed this morning with the coalition that met with us. We talked specifically about some of the family law reform proposals.

There are a number of concerns and a number of issues. It is fair to say there are a lot of concerns. We have certainly been discussing it within our cabinet committee. It has been before that committee in the form of discussion, but that does not take away from the fact that at some point there will no doubt be some amendments put before the House.

Mr. Rae: We all will watch with glee as the Attorney General attempts to pull the knives out of his back.

Can the provincial secretary explain this betrayal of a basic commitment that legislation to amend the Family Law Reform Act would be in this Legislature before the end of this session? We had a commitment that it would be here by December 3, a commitment which started on December 14, 1982. The women of this province, the people of this province and this Legislature had a commitment from the Tory government with respect to the reform of family law.

Mr. Speaker: Question, please.

Mr. Rae: What has happened to that commitment? Why has the government betrayed the basic promises made to the women of this province with respect to family law reform?

Hon. Mr. Walker: We simply have not been able to get it in yet.

Mr. Peterson: Mr. Speaker, the minister is aware that the parliamentary secretary, speaking on behalf of the Attorney General, today told the Women's Lobby Coalition that the draft bill is ready and is circulating. Is the minister telling us now that—

Mr. Rae: No, it is not circulating.

Mr. Peterson: That is what he said this morning, that it is circulating in cabinet. He presumably said, "The bill is prepared and it is ready to go." Is he telling us now that the only

holdup is that he has not been able to squeeze it into the legislative agenda; that we have been so busy here this session that there has been absolutely no room for it? Is he telling us it is just a lack of room on the agenda, but there is agreement and it is ready to go?

Hon. Mr. Walker: I was at that meeting and a number of others were as well and I do not remember him using those specific words. I remember him saying there were some proposals that have been put forward to various committees, including Management Board and cabinet. The way the honourable member has translated it certainly does not sound like what I remember.

WATER AND SEWAGE SYSTEMS

Mr. McGuigan: Mr. Speaker, my question is to the Minister of the Environment regarding the drop in provincial funding for the Hamilton-Wentworth region sewage treatment system. I would like to know why the Ministry of the Environment has cut its funding for upgrading Hamilton-Wentworth sewers at a time when there is such a critical need to improve the water quality of Hamilton harbour and the Great Lakes. Why did the ministry reject nine out of the 12 sewer upgrading projects the region submitted for funding this year?

Interjections.

Mr. McGuigan: Pardon me, Mr. Speaker, could I have the floor?

Mr. Speaker: I think you have the floor.

Mr. McGuigan: Thank you. Why is the ministry willing to provide only \$325,000 when the region requested \$1.7 million for the 15 per cent upfront grants provided by the ministry?

Hon. Mr. Brandt: As the member is aware, we develop all our programs on the basis of priorities. The highest priority in my ministry is the protection of health. In the case of the Hamilton projects, I am not familiar with the dozen or so pointed out by the member, but I will certainly look into them and review them again.

The moneys are allocated on the basis of need and where the most serious problems exist in our various communities. I would like to point out to the member there is certainly no position on the part of this ministry whereby we are turning our back on the Hamilton area. We consider that a very high priority.

I might add that within the last week I have committed a very substantial increase in funding to the solid waste reduction unit project, along with a number of—

Mr. Speaker: Thank you.

Mr. McGuigan: I agree with the minister that health should be a priority, but surely clean water is a matter of health. Why has his ministry rejected adequate funding for the Greenhill diversion and the containment project?

This project would catch and hold 15 million gallons of raw sewage and toxic street runoff generated during storms that now go directly into Hamilton harbour. These toxic wastes contain polychlorinated biphenyls, arsenic, furans and mercury. Much of these could be taken out by the sewage treatment plant if the runoff was caught by the Greenhill diversion.

Will the ministry provide \$900,000, which is 15 per cent of the cost of the \$6-million project? This project has been delayed over a year as a result of the lack of provincial co-operation. Why will the minister not let these things go forward?

Hon. Mr. Brandt: I think we are all aware this is a time of restraint. We have to allocate the moneys in all our ministries in the most appropriate fashion. Hamilton has been well treated. In fact, it has probably received more moneys than a number of other communities. I will take a look at what the member suggests is now a priority for Hamilton.

However, I have to assure him that we have in no way reduced or minimized our commitment to that community with respect to environmental control programs. The very project mentioned by the member is only one of a vast number of programs we have to look at in this province. We have to allocate our dollars in the most effective, efficient and propitious fashion possible.

Mr. Allen: Mr. Speaker, in his answer the minister indicated he was quite aware of the major problem of pollution in Hamilton harbour and in the supply of water in that vicinity. He is also aware of the recent federal cancer incidence study in the Hamilton area.

Mr. Speaker: Question, please.

Mr. Allen: If I understand the minister's answer correctly, why has he treated the particular issue about which he was asked with so low a priority that he now believes it must be given a higher priority? What was wrong with the issue earlier when he knew that information? Why did it have a low priority when it obviously needed a higher one?

Hon. Mr. Brandt: Mr. Speaker, if the project on which the member is commenting is such a high priority to Hamilton, surely to goodness the 15 per cent supplementary funding received from my ministry would not hold it back.

It frustrates me somewhat when I talk to the members from Hamilton about this question. I have just committed \$4 million to Hamilton on the expansion of the energy-from-waste plant in that particular community. They cannot have all the money all the time. I have made a very major commitment to that community. Perhaps other things may have to be set back.

There are other important communities such as Timmins, Sudbury, Sault Ste. Marie and many others that have to be looked at as well. I try to allocate these funds in a very equitable and fair manner.

3 p.m.

REGULATION OF REST HOMES

Mr. Cooke: Mr. Speaker, I have a question for the Minister of Health, who will recall that on many occasions when we raised the matter of regulation of rest and lodging homes with him he said it was the responsibility of municipalities.

I wonder whether the minister is aware that the regional municipality of Ottawa-Carleton has requested enabling legislation of the Ministry of Municipal Affairs and Housing so it can adequately regulate the rest and lodging homes at the regional level. That request was made in the spring of 1984 and to date a positive reply has not been received; in fact, no reply has been received at all.

Hon. Mr. Norton: Mr. Speaker, I am not the Minister of Municipal Affairs and Housing. I am aware of a request from another municipality, but I cannot honestly say I have seen the request from Ottawa-Carleton. I do not know what its status might be within the Ministry of Municipal Affairs and Housing. If there has been consultation between the staff of that ministry and the staff of my ministry, it has not come to my attention.

Mr. Cooke: If the minister is refusing, as he has done, to bring in province-wide legislation for rest and lodging homes, does he not agree that at the very least it is about time he dealt with the Ministry of Municipal Affairs and Housing, so there is a policy in that ministry that will give municipalities the appropriate powers to regulate rest and lodging homes properly?

How can the minister tell us constantly that the municipalities have adequate powers when the legal staff of the regional municipality of Ottawa-Carleton has clearly indicated that it does not have those powers? The municipality wants to do it; should the minister not be doing something to give it those powers?

Hon. Mr. Norton: I have not seen the specific proposal the honourable member is referring to, although I have seen what sounds like a similar one from another municipality.

It is my view that the municipalities already have in part the powers they are asking for. Alternatively, the authority already exists with the local medical officer of health and through the local property standards enforcement bylaw route. I am not suggesting I am not prepared to support the expansion of municipality authority in this area if it is required, but I am not prepared to see a duplication of resources that already exist in those communities.

ABORTION CLINIC

Mr. Hennessy: Mr. Speaker, I have a question for the Solicitor General. I am extremely dissatisfied with the statement of the Attorney General yesterday. Will the minister convey to the Attorney General the concern of this House about his failure to be in the House today to answer questions?

Hon. G. W. Taylor: Mr. Speaker, I will be honoured to be the honourable member's messenger. I am sure the Attorney General will get the message quite accurately and quickly on his own, but I will convey the member's message to him.

Mr. Hennessy: Before we adjourn, will the Solicitor General bring back a statement to this House about his discussions with the Metropolitan Toronto Police regarding their policy on laying charges?

Hon. G. W. Taylor: I do not propose to have any discussions on their policy on laying charges. I am not aware they have a particular policy other than that under their sworn duty the police have the power to exercise their discretion where they see violations of the law.

ARREST OF FARMER

Mr. Sargent: Mr. Speaker, my question is to the Minister of Correctional Services, but my real job is to get a man out of jail today. The minister and I have talked about this over the phone, but I think the public should know what the hell is going on.

It is no secret that the farmers in my part of Ontario have been harassed and degraded by law enforcement officers and the courts. At a recent meeting of a large group of farmers, it was the consensus of all those highly respected farmers that there is no justice north of Highway 7.

Mr. Speaker: Question, please.

Mr. Sargent: A friend of mine, George Bothwell, was arrested for driving a slow-moving vehicle on the highway when the sign was off it. They put him in jail for that. The fraud squad was there and clamped a charge against him of theft of more than \$200 from the bank. He has been in jail illegally for two months.

Mr. Speaker: Now for the question.

Mr. Sargent: A \$20,000 bail was part of the act. He has been held there illegally for more than two months.

Mr. Speaker: Question, please.

Mr. Sargent: He is hooked into the system and will never get out unless he will consent to having his fingerprints taken.

Will the minister tell the House why the system does not comply with Mr. Justice Maloney's ruling and have George Bothwell released? In his ruling, paragraph 1 states that it does not require him to consent to having his fingerprints taken. He must comply with the provisions of the Identification of Criminals Act. That is where it lies now.

Hon. Mr. Leluk: Mr. Speaker, the member for Grey-Bruce has had several discussions with members of my staff who have told him clearly what the situation is. I am advised that bail for the person in question was granted by Mr. Justice Maloney of the Supreme Court of Ontario and that it is subject to a number of conditions, including that Mr. Bothwell must comply with provisions of the Identification of Criminals Act.

My staff and I have been advised by the office of the local crown attorney and the crown law office, criminal, that Mr. Bothwell is not eligible for release until such time as he chooses to co-operate in the taking of his fingerprints, which he refuses to do.

Mr. Sargent: It is about time we brought in the Columbia Broadcasting System program 60 Minutes to show what the hell is going on in this province in the field of justice.

Mr. Speaker: Question, please.

Mr. Sargent: Just a minute; this is god-damned important.

Mr. Speaker: Now for the question.

Mr. Sargent: We have millionaires such as those in the Greymac affair who made \$500 million in profit running around our streets free, yet this thing is allowed to happen in Ontario.

Mr. Justice Maloney said all the man had to do was to comply with the Identification of Criminals Act, which reads—

Mr. Speaker: I am sure the minister is aware of what it says. Will you please place your question?

Mr. Sargent: I want to clarify to the House what the act says. It puts no obligation on a person in custody whatsoever. To comply, Mr. Bothwell need not do anything at all. On the contrary, it is the duty of those in whose custody he is to effect the measures referred to in the act. It is the ministry's job, and yet it is happy to keep this man in jail for the rest of his life because of a simple interpretation of the judge's order. I think it is nothing but damned rotten.

Hon. Mr. Leluk: I have nothing further to add to what I have already said.

FOREST REGENERATION

Mr. Laughren: Mr. Speaker, I have a question for the Minister of Natural Resources. In view of the fact there will not be time for a supplementary, I will try to be brief.

The minister will recall that about a month ago he signed a document with the federal government to pump \$150 million—\$75 million from each jurisdiction—into the forestry industry. I wonder whether he agrees with the following statement in the document he signed:

"Constraints affecting the economically available wood supply include the following: the ever-increasing accumulation of forest land which naturally regenerates to currently unpreferred species such as aspen, following disturbances by harvesting, fire diseases and insects; and an ever-increasing accumulation of productive but unstocked forest lands which have the potential to add significantly to the forest resource but remain idle after disturbance by harvesting or fire."

Does the minister agree with that statement in the document he signed? If he does, how does he square it with his response to the member for Halton-Burlington (Mr. Reed) in an answer to a question on October 19, 1984?

Hon. Mr. Pope: Mr. Speaker, the arrangement with the federal government to obtain an additional \$75 million of federal funding is a very important initiative in federal-provincial reforestation in this province; to get that \$75 million, I will sign any agreement.

3:10 p.m.

EDUCATION POLICY

Mr. Conway: Mr. Speaker, on a point of order: Just to correct the record, yesterday private member's notice of motion 54 standing in my name read, in part, as follows:

"The decision by the government to abruptly reverse its position on the extension of funding to the separate school system, without debate or consultation and with the consequence of confusion and hostility among all members of the post-secondary school system."

That is in error. I regret that I did not catch it. It may have been my responsibility. It should have read, "confusion and hostility among all members of the secondary school system."

PETITIONS

ROMAN CATHOLIC SECONDARY SCHOOLS

Mr. Foulds: Mr. Speaker, I have a petition signed by secondary school teachers in my riding, which reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

That petition is signed by about 50 secondary school teachers in my riding.

Mr. Bradley: Mr. Speaker, I have been asked to present a petition to the House by people who are on the staff of St. Catharines Collegiate Institute and Vocational School:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

As I indicated, this comes from most members of the staff of St. Catharines Collegiate.

Mr. Swart: Mr. Speaker, I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It is worded identically to the petitions just presented and it is signed by some 40 people associated with one of the schools in my riding.

Mr. Hennessy: Mr. Speaker, I have a petition to present on behalf of secondary school teachers in Thunder Bay:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

It is signed by 67 people.

Mr. Kolyn: Mr. Speaker, on behalf of the member for Oxford (Mr. Treleaven), the mem-

ber for Durham East (Mr. Cureatz), the member for Lambton (Mr. Henderson), the member for Oakville (Mr. Snow), the member for Simcoe East (Mr. McLean) and the Ontario Secondary School Teachers' Federation, district 12, I have petitions worded identically and similar in nature to the one just read by my colleague the member for Fort William (Mr. Hennessy).

Mr. Van Horne: Mr. Speaker, I also have a petition with the same wording from the staff of Sir Frederick Banting Secondary School in London, Ontario, signed by 50 teachers. It is my pleasure to present it to the House.

Mr. Allen: Mr. Speaker, I also have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, reading identically to the preceding petitions and signed by a number of persons from the Hamilton-Burlington area.

REPORTS

STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

Mr. Kolyn from the standing committee on administration of justice presented the following report and moved its adoption:

Your committee begs to report the following bill without amendment:

Bill 140, An Act to revise the Metropolitan Police Force Complaints Project Act, 1981.

Motion agreed to.

Mr. Speaker: Shall the bill be ordered for third reading?

Hon. Mr. Wells: Which bill is it?

Clerk of the House: Bill 140.

Hon. Mr. Wells: Has committee of the whole been done on Bill 140?

An hon. member: Yes.

Hon. Mr. Wells: It has been done? Okay.

Mr. Speaker: Shall the bill be ordered for third reading?

Agreed.

[Later]

Hon. Mr. Wells: Mr. Speaker, I wonder if I can have the indulgence of the House. Bill 140, which we just put to third reading, has to go to committee of the whole House.

Mr. Nixon: I think it went to committee of the whole.

Hon. Mr. Wells: No, it did not. I just checked and it has not received clause-by-clause consideration. Can we agree that it go to committee of the whole?

Mr. Speaker: Agreed.

Ordered for committee of the whole House.

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Mr. Barlow from the standing committee on resources development reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Transportation and Communications be granted to Her Majesty for the fiscal year ending March 31, 1985:

Ministry administration program, \$46,353,100; policy planning and research program, \$10,410,700; safety and regulation program, \$70,908,000; provincial highways program, \$498,149,700; provincial transit program, \$95 million; provincial transportation program, \$7,445,600; municipal roads program, \$520,344,500; municipal transit program, \$287,970,600; and communications program, \$2,741,300.

MOTION

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Wells moved that notwithstanding the previous order of the House, on Thursday afternoon, December 13, private member's ballot item 30 be taken up at 5 p.m., and the provisions of standing order 64 will apply with respect to the debate and voting.

Motion agreed to.

3:20 p.m.

MOTION TO SET ASIDE ORDINARY BUSINESS

Mr. Laughren moved, seconded by Mr. Foulds, pursuant to standing order 34(a), that the ordinary business of the House be set aside in order to debate a matter of urgent public importance: namely, the decision a month ago by Stelco Inc. to close its iron ore mine at Ear Falls in April of 1985; the fact that the Premier met with Stelco officials on Thursday, December 6, 1984, and to date no report has been made on the results of that meeting to the workers concerned, the Legislature or even, apparently, to the Minister of Northern Affairs; the fact that the decision was made unilaterally by the company without any public consideration of alternatives; the fact that the loss of 283 jobs at the Griffith mine will literally destroy the economic base of the town; the fact that the Ear Falls closure is the sixth iron ore mine closure since 1977; and the

lack of any plans or policies in the government to deal with the issue of the economic vulnerability of one-industry towns, despite the fact that a cabinet committee has supposedly been dealing with this issue since 1977.

Mr. Speaker: I would like to advise all honourable members that the notice of motion was received in my office within the time limits prescribed by the standing orders. I will be pleased to listen for up to five minutes as to why the honourable member wishes to set aside the ordinary business of the House.

Mr. Laughren: Mr. Speaker, this is our party's second attempt to have an emergency debate on the devastating blow to Ear Falls in northwestern Ontario.

A month ago, the decision was made to close the mine in April of 1985. Since then, meetings have been held but no announcements have been made. At the most recent meeting, which was last Thursday, the MPP for that area, the Minister of Northern Affairs (Mr. Bernier), was not in attendance and apparently he has not been prepared to report to the House since that time.

Those who work at the mine, and for that matter everyone in that area, are really in limbo. They do not know what is going on. It is terribly important that the people know what is going to happen. The stakes are enormous. These are their jobs, their families are there, some of them own their own homes. The cost of moving is horrendous; as high as \$5,000 according to one quote.

The question is, should those people be looking for other jobs? Should they be out there taking other jobs or should they wait for a more opportune time to move? No one knows. Neither the minister nor anyone else has made a public announcement on it despite a number of meetings with Stelco.

Should the workers leave now or should they wait in the hope there will be an enriched severance package negotiated on their behalf? Will relocation assistance be available? We do know that the workers have been told by the federal Minister of State for Mines, the Honourable Robert Layton, that they can expect no less than the workers at Schefferville got when that company was shut down by Conservative Prime Minister Mulroney.

Of the more than 280 workers at that mine, 48 of them are over 50 years of age. One worker said at the meeting: "We have been living on faith up till now. Next year it will be hope. After that, it will be charity."

We want this debate this afternoon because we think we have some positive suggestions to make as to how to best resolve the problem. We are concerned about the insecurity of the workers. We are told that blasting and drilling will cease at the end of December in anticipation of an April 1 closure. That is what we are being told, but we do not know for sure. The Premier (Mr. Davis) has requested an extension.

The government cannot continue to leave those people in the dark. They do not know what is going on. The Minister of Northern Affairs may not either, but if so, we want him to at least stay here and discuss it in a meaningful way this afternoon.

We believe the local people are the ones who should know. They are the last to know what is going on. They were the last to know the announcement had been made that it was going to close, and presumably they will be the last to know if something is negotiated down here in southern Ontario. That does not seem to bother the Premier or the Minister of Northern Affairs.

If a shutdown is unavoidable, if the company is determined to go ahead with the shutdown, which we hope it is not, then there must at least be an honourable package negotiated for those workers.

I would like to know what this government plans to do. I would like to have an exchange with it this afternoon. Does it intend to see that the workers in Ear Falls get no less a package than the workers in Schefferville when the iron ore operation in that town was closed down by the Honourable Brian Mulroney? We would like to know what is going on, because at the present time no one seems to know.

Did Stelco even reply to the Premier? It is two weeks ago now, I believe, that he wrote to Stelco, and as far as we can tell there has never been an answer. We think the people have a right to know. This concerns their lives, their future; and the government sits there and does nothing about it.

We were supposed to have a committee on one-industry communities. Where is it? What is it doing? We have some suggestions to make, but it is not possible to have an exchange during question period on all these matters that need to be raised. That is why we feel it is very legitimate to request that the ordinary business be set aside and a debate held this afternoon.

We had a debate when the Black and Decker operation closed down in Barrie, and when the two economies are compared, this is a much more devastating blow to Ear Falls and the Red

Lake area than the Black and Decker closing was to Barrie. We supported that debate and were pleased to engage in it, and I think we should have one on the Ear Falls problems.

Mr. Van Horne: Mr. Speaker, I am pleased to be able to join in the introductory debate on this motion, and I hope it will be the pleasure of the House that we can carry on with this debate through the course of the afternoon.

Not very long ago my colleague the member for Halton-Burlington (Mr. Reed) spoke in support of this same motion, the motion of the member for Nickel Belt (Mr. Laughren). It is really a motion from all the members opposite in both parties who time and time again have expressed their concern on northern issues, particularly as they relate to the success or failure of a community, the life or death of a community whose whole being centres on a single industry.

I can go back to the estimates debate in this chamber for 1983—as a matter of fact, earlier this fall—and for 1982, the three different years I have been involved. In getting ready for the critic's role, I did a fair bit of reading of the estimates of preceding years. There is no question that time and time again we have raised the issue of the whole mining industry.

Our party in particular has hammered away at the necessity of a separate ministry for mining so that the needs of the communities of the north might be better addressed, so that they might get a little closer attention and so that we can properly address the marketplace in which they operate, the various technological changes that affect them and the variety of things related to mining and whether it survives. Time and time again this issue of a separate mining ministry has failed to get any serious debate in the House. I hope a debate this afternoon will at least open the door on that theme.

More important, the issue at hand for the people in Ear Falls at this time is the issue that has to be addressed. They, like us, are operating and surviving on innuendo and on rumour, and the frustration level has to be extremely high for those people and that community. They simply do not know what is going on.

Surely it is the responsibility of the government and of the minister to allow information to flow so that people will at least have an idea of the things that are going to shape the remainder of their lives, so again we support this motion.

I would point out that there are a variety of other reasons one could examine, at least in a cursory way, to make the case for proceeding this afternoon. For example, it is our information that

the equipment in this venture is leased equipment. We also understand there is very little chance, if any, that this equipment might be removed. We would like to see that whole theme pursued.

Is there, for example, any way of encouraging or negotiating a resolve so this facility could carry on under another form of ownership? Who knows? I do not. At least we should take the opportunity here this afternoon to lay some of these things on the table.

A couple of years ago, in the closing days of the preceding parliament, in the late fall of 1980 and the early winter of 1981, we had a very productive committee in this Legislature; that is, the select committee on plant closures and employee adjustment. It looked at issues that were not necessarily the same in so far as geography is concerned but were the same in so far as the lifeblood of communities was being cut off because an industry was closed down.

That committee was almost at the point of being able to come forward with excellent and useful recommendations, but it was stopped when the election was called. There is another reason for carrying on with this debate. We feel many alternatives could be considered.

Hon. Mr. Bernier: Mr. Speaker, I am most pleased to enter into this discussion. I want to express my personal thanks to the member for Nickel Belt for displaying his concern and his interest in this very sensitive issue. As many members know, Ear Falls is in my riding. I am very close to that community. I have family and friends living there. Many of the workers affected are personal friends of mine, so I am very familiar with the situation into which they are thrust at this point. I do not want to minimize that one iota.

I want to point out again that numerous meetings have been held. It is fair to say that in the last three or four weeks no other issue has taken more of my time nor have I put more of my time into anything other than this issue, because it is of so much importance to this government and to northern Ontario.

Numerous meetings were held with my cabinet colleagues the Minister of Industry and Trade (Mr. F. S. Miller) and the Minister of Natural Resources (Mr. Pope). The Minister of Labour (Mr. Ramsay) has been involved in numerous meetings with the company, with the union, and with the reeve of Ear Falls, to discuss all those issues. I can assure the member for Nickel Belt that Stelco did tell us at one of those meetings it was prepared to review the Scheffer-

ville settlement. They indicated that direction, and I was most encouraged by that.

I want to put on the record two paragraphs of a letter the Premier sent to Mr. Allan on November 15:

"We would ask, therefore, that Stelco review the situation and see if it can reverse the decision to eliminate this Ontario source of ore in favour of ore from the United States and elsewhere in Canada. If the economics are simply not there, then surely the April 1, 1985, deadline can be extended. We feel that Stelco has a responsibility to Ear Falls to assist it to diversify so that it can remain in a relatively healthy state.

"Given such an objective, I would suggest that Stelco defer the closure of the Griffith mine for two years to permit the company, the government and the township of Ear Falls to review the decision and to put into place measures that will ensure it remains a viable community." That was signed by our Premier.

As the member has correctly pointed out, there have been numerous meetings. We went out of our way to put the members of the Red Lake chamber of commerce in touch with all the principals just last week when they were down for the Northwestern Ontario Associated Chambers of Commerce convention. The Commerce Northwest people were in touch with the principals to express their personal point of view as to how it affects them and their communities.

We have opened the door to all those discussions and they are going on now. The member is correct in saying that just last week there was a meeting of the Premier with the senior officials of Stelco. I want to make it abundantly clear that yesterday I was waiting for questions from the members. I would have been glad to answer them.

Mr. Laughren: We will debate it. Why did you not make a statement?

Mr. Speaker: Order.

Hon. Mr. Bernier: I waited for the member's question and he did not ask it, so I went on the radio in northwestern Ontario and explained the government's position to the people.

The discussions are ongoing at a very high level. I know the members would not want to proceed with this debate at this time because that would jeopardize the discussions and put them in uncertainty. I am not against the debate; I think we should have the debate, but not at this time because it would put the discussions in severe jeopardy. In the interest of getting the best—

Interjections.

Mr. Speaker: Order.

Hon. Mr. Bernier: Mr. Speaker, the honourable members would condemn us if we did not put our best effort forward. We are trying to do that. We are trying; they should bear with us, join us and be with us.

We are prepared to debate this issue, but the timing is not correct in the interest of getting the best possible solution, of getting an extension, even of asking them to reconsider. While we have no objections to the debate, we do not think it should proceed at this time.

Mr. Speaker: I have listened carefully to the points put forward by the various members. The question before the House is, shall the debate proceed?

3:33 p.m.

The House divided on whether the debate should proceed, which was negated on the following vote:

Ayes

Bradley, Bryden, Cooke, Edighoffer, Elston, Foulds, Grande, Laughren, Lupusella, Mancini, McClellan, McGuigan, McKessock, Miller, G. I., Newman, Nixon, O'Neil, Peterson, Philip, Ruprecht, Ruston, Sargent, Stokes, Swart, Sweeney, Van Horne, Wildman, Wrye.

Nays

Andrewes, Ashe, Baetz, Barlow, Bernier, Brandt, Cureatz, Dean, Drea, Eaton, Elgie, Eves, Fish, Gillies, Gregory, Harris, Havrot, Johnson, J. M., Kells, Kennedy, Kolyn, Lane, Leluk, MacQuarrie, McCaffrey, McEwen, McLean, McNeil, Norton, Pope;

Ramsay, Robinson, Rotenberg, Runciman, Scrivener, Sheppard, Shymko, Snow, Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Treleaven, Walker, Watson, Wells, Wiseman, Yakabuski.

Ayes 28; nays 48.

ANSWERS TO QUESTIONS ON ORDERS AND NOTICES

Hon. Mr. Wells: Mr. Speaker, I am going to table the answers to questions 517, 518 and 519 [see Hansard for final day of session].

Mr. Nixon: And about time, too.

Hon. Mr. Wells: They are all there and they are about this high.

ORDERS OF THE DAY

House in committee of the whole.

WORKERS' COMPENSATION AMENDMENT ACT (continued)

Resuming consideration of Bill 101, An Act to amend the Workers' Compensation Act.

Mr. Chairman: We adjourned at section 32, which was carried. The next amendment we have indicated is to section 37. Shall sections 33 to 36, inclusive, carry?

Sections 33 to 36, inclusive, agreed to.

4 p.m.

On section 37:

Mr. Chairman: Mr. Lupusella moves that section 37 of the bill be amended by deleting in the proposed subsection 41(2) of the act the first and second lines and line 3 up to, but not including, the word "where."

Mr. Lupusella: If I may speak on that particular amendment, it incorporates principles that have been previously enunciated in the amendments we were able to move throughout the content of this bill, amendments that were rejected by the minister and the government when we had the opportunity to vote on each amendment.

Even though the minister has been living in the stratosphere for several days during the course of this debate, I hope he is now living in the real world, close to injured workers and their concerns.

My particular amendment speaks about the Canada pension plan. I am sure the minister will recall the lengthy debate we had in relation to that section on the Canada pension plan. My amendment would delete the words, "In determining the amount that has to be paid under clause (1)(b), the board shall have regard to any payments the worker receives under the Canada pension plan."

I have a few concerns. Under subsection 45(9) of the act, the minister was able to introduce a new amendment that was passed, in which the Canada pension plan was not a bar to determination of the amount of money that is supposed to be paid to the injured worker. I am not sure if there is any need to clarify this particular subsection in view of the introduction of the minister's amendment about the Canada pension plan, which was not supposed to be a bar to the determination of the total amount of money to be paid under a different process.

I understand subsection 41(2) of the act has to do with the payment the injured worker has to receive under clause (1)(b). Maybe there is no particular relationship between subsection 45(9)

of the act as set out in section 11 of Bill 101. If the minister would like to end the injustice with which injured workers will be treated, even when this bill is passed and the board implements the particular sections of Bill 101—and I think the issue of the Canada pension plan is really offensive throughout the content of Bill 101—we strongly believe the first three lines of subsection 41(2) of the act should be deleted.

We understand the principle that the board will move towards the implementation of a different principle of the 90 per cent ceiling to determine the total amount of money injured workers are entitled to receive in light of the implementation of Bill 101, whenever it is going to be passed. The minister did not accept our proposal to take the 100 per cent principle into consideration that was supposed to be implemented in determining the total amount of money injured workers received.

I think the penalty in regard to the Canada pension plan is still a penalty in the implementation of other sections such as this. It is a penalty this party will not tolerate because injured workers will suffer from the unjust implementation of this bill when there is a review of the total amount of money to which they should be entitled.

The discretionary power incorporated throughout the content of this bill is also offensive. It offends injured workers and it offends this party. We are sick and tired of seeing sections penalizing injured workers all the time. I think the minister has the message, unless he has been living in the stratosphere for several days, that we are against that principle. We have to take into consideration the overall package of benefits injured workers will receive in light of Bill 101.

The meat chart will also be implemented to determine the total amount of pension injured workers will receive as a result of Bill 101. That is not a new feature. It is an old feature that goes back to 1914. We know from experience that injured workers have been paying the price of the implementation of the meat chart.

Through the years injured workers have had the onus of demonstrating that their degree of disability was higher than that assessed by the board. The onus was on the injured workers' shoulders to show the opposite to the board by using the appeal system and other ways available to them as a result of the present and the new Workers' Compensation Act.

Bill 101 becomes more stringent when injured workers are supposed to fight their case in relation to the increase in their pensions. We are

faced with the old system under the new system with stringent guidelines when injured workers have to bring their cases before the new independent appeals tribunal. We cannot proceed with the implementation of Bill 101 until we bring up the issue of the CPP being a penalty. We feel this penalty will hurt injured workers. Instead of being an improvement, I think the new system will deteriorate and collapse a few years after the implementation of Bill 101.

4:10 p.m.

I do not want to see such a deterioration and such a collapse. I do not want to see injured workers paying the price for something in this bill that is not fair and just. When we deal with a law that is open to interpretation and when we see the principle of the law, that discretionary power is given to the board to decide whether an entitlement should be given to injured workers, the law becomes confused and ambiguous.

The injured workers will have to gamble when they present an appeal or make a demand before the board. As legislators and as politicians, we cannot tolerate the fact that the bill speaks two languages. The message is incorporated here within the bill, but the Workers' Compensation Board will also have the discretionary power to decide whether or not a particular benefit should be given to an injured worker.

We feel offended by the whole process that will be implemented as a result of Bill 101. The injured workers are offended as well. The minister should be sympathetic to the process that has been clearly spelled out in hours and hours of debate in committee and now in the Legislature. We are not wasting time. We are trying to enlighten the minister that he has to change his mind, even though his mind cannot be reversed. As I said before, he has become so inflexible that I get the opinion he has been living in the stratosphere instead of in the real world.

Unless he can show us the opposite, the Canada pension plan has been implemented as a penalty throughout the course of Bill 101. We cannot support that ministerial and government action. We are going to condemn that action not only in the Legislature, but with injured workers when we have the opportunity to talk to them. They will pay the price of the implementation of Bill 101 and they will come to our constituency offices or the constituency offices of the government members to complain about the unfairness of Bill 101.

I know the issue that has been before this minister in the past and at present was to see an improvement within the system. As far as we are

concerned, we were able, and I am sure we succeeded, to tell the minister on several occasions that Bill 101 is not an improvement. Injured workers will pay the price immediately as a result of the implementation of Bill 101. Because of the past history of the Workers' Compensation Board and its performance, we cannot accept the good faith the minister has in the system.

It has been shown in the past, and we will be able to show in the future, that the administration of justice within the principle of Bill 101, which is the new act under the old act, has been very poor. The implementation of justice on the part of the board must be condemned and it will be condemned in the near future.

We are going to collect evidence that Bill 101 will not work on behalf of injured workers, but it will be a new mechanism for the Workers' Compensation Board to get more money from employers as a result of the so-called marginal improvements. The board will think about the principle of saving money and, at the same time, investing money to reduce its unfunded liability, which is a concern now to the board, to the minister and to employers across Ontario.

Injured workers have been the ball in this particular game played by the Workers' Compensation Board and the government. When packages of so-called improvements are brought to the attention of this Legislature, the board will have ammunition to go back to the employers and say: "We need more money. The unfunded liability is so big we have to raise this amount of money."

I think the unfunded liability is used as an excuse really to raise money, to save money by taking money away from injured workers and investing more money to make more money. I do not know whether I make sense, but that is the procedure that has taken place in the past and will take place in the future.

Injured workers will be more upset when Bill 101 is implemented by the board. I am particularly concerned about pension supplements. There is no indication of this. Even though the minister told us the meat chart will be revised, there is no urgency about the revision of the meat chart. There are so many penalties attached to particular clauses of Bill 101 that I have great reservation in supporting some of them. The improvements appear to be so marginal that they are not really improvements at all.

I once again urge the minister to support our amendment. It makes sense and it brings a measure of justice and fairness to injured

workers. I am sure everyone in this Legislature would like to see a system that is very progressive, one that would bring real benefits to injured workers and would not penalize them. Injured workers have paid the price for their injuries for many years. They have been living with injuries. To see this type of penalty imposed in Bill 101 is very offensive.

Mr. Mancini: Mr. Chairman, it looks as if we are coming to the end of our discussions on Bill 101. The discussions have been lengthy and detailed. The amendment placed by the member for Dovercourt (Mr. Lupusella) refers to section 37 of the bill, subsection 41(2) of the act. The intent of the amendment is to ensure there shall be no integration of Canada pension plan benefits with the benefits paid by the Workers' Compensation Board.

This is a principle our party has put forward ever since the Weiler report came in. Under no circumstances could we support the integration of these two payments. I would remind the House that we have steadfastly stood for this principle throughout. This was the case in section 11 of the bill, subsection 42(9) of the act, when the government moved a motion which was going to be supported by the New Democratic Party. After they heard the remarks of the Liberal members, they decided to withhold their support, and I think they did the right thing.

We have to be fair about this. We are either going to oppose the principle or we are not. We cannot be voting for some of it in some sections and against it in others. We are against the integration. There is nothing more to say. We have spent a lot of time telling the minister why we are opposed. The record will show anyone who is interested why. We will have to vote in favour of the amendment and against the proposal of the government.

Mr. Laughren: Mr. Chairman, I was not going to involve myself in this section. However, when I sat here and watched the government members block a vote on the survival of a town in northwestern Ontario, I was provoked enough to get involved yet again in this bill.

Mr. Haggerty: Where are those members now?

Mr. Laughren: The government members? One of them is sitting there as the Minister of Labour (Mr. Ramsay).

My colleague the member for Dovercourt has argued long and eloquently throughout the debate against the Canada pension having anything to do whatsoever with this bill. At some point, I hope someone will take this bill to court

to determine whether or not this government has the right to reduce payments to injured workers as a result of a federally funded program. What they are doing is having the Canada pension program subsidize the private sector in Ontario. **4:20 p.m.**

If I were the federal government, I would tell this government to stick this bill in its ear, because it should not have the right to do that. If the Prime Minister of Canada, Mr. Brian Mulroney, is as concerned as he says he is about the public sector and about the deficit, then he should be concerned about what this bill is doing with the Canada pension.

Mr. Mancini: Slasher Mulroney.

Mr. Laughren: We will see. On the other hand, he might say, "If my Tory cousins in Ontario want to have the Canada pension plan subsidize the private sector in Ontario, let them do it." Nothing would surprise me any more.

When it comes to having the public sector subsidize the private sector yet again, nobody is better at doing that than the federal and provincial Conservatives. They talk out of one side of their mouth about free enterprise and private initiatives, and the next time we turn around they are sticking it to somebody who is trying to show some initiative, as in the ceiling on workers' compensation benefits. Some day the government will have to answer for that too. It does not seem to have to; there seems to be a mood out there that the government can do pretty well what it wants to injured workers, or to anybody in the public sector for that matter.

When my colleague argues that the government has no business sticking its nose into the Canada pension plan vis-à-vis payments from the Workers' Compensation Board, he is absolutely right. I just wish I had the funds to take the government to court on this one. I am not a lawyer—and believe me, it is the last thing I would ever apologize for not being—but I would be surprised if this held up. I do not know how the government justifies it. It is saying, "If the Canada pension plan is paying, then we have to pay less."

What it is saying with these sections is, "If the Canada pension is making any payment to the injured workers, then the private sector will be required to pay less." I do not know how it justifies that. Where does it get off saying that the Canada pension should subsidize the private sector in payments to injured workers? I do not know who it thinks it is. If it were the other way around, I would hear the gnashing of teeth now. But as long as the public sector is subsidizing the

private sector, those bandits say, "Go to it." That is what they do; we see it over and over again.

I did not think we would be engaging in this debate on the Canada pension plan this late in the bill. It seems to me we have made this point from time to time before. I can recall sitting here and hearing my colleague the member for Dovercourt make some of these arguments, some of them better than I am making them.

I saw the government's concern earlier this afternoon for the fate of about 280 workers in northwestern Ontario. It did not even have the courage to debate that, just because it happens to be in the riding of the Minister of Northern Affairs (Mr. Bernier). What shoddy treatment that is.

As though the government is just topping it off, it comes in here again this afternoon and asks us to support a section of the bill that has the Canada pension plan subsidize the private sector. Out of the other side of its mouth, it will be complaining about the actuarial soundness of the Canada pension plan. I can hear it now: "The Canada pension plan has to be actuarially sound. We have to have the workers pay more into it." That will be the next argument. It will be arguing for higher contributions from workers to the Canada pension plan after it has done this to it.

I do not think the government should expect us either to support it in that kind of nonsense or to have any interest in expediting the speedy passage of the bill when it plays those kinds of games.

I am offended by what has gone on here this afternoon, and I readily admit that what rankles is what happened earlier. Those people think they can have it all their way. They think they can block legitimate debate because they have a majority. It does not matter; the legitimacy of the debate has nothing to do with it. They just do what Big Leo tells them to do. They stand up and vote against it whether or not debate is legitimate. Then they come in here with this section of the bill and say, "We expect the opposition to support this and to help us get this bill through before the end of this week."

Mr. Barlow: To help the injured workers in Ontario.

Mr. Laughren: They help the injured workers of Ontario by taking into consideration Canada pension plan benefits when they compute how much the Workers' Compensation Board will pay them. Is that what my friend calls helping the injured workers of Ontario? I am glad that is his interpretation, because it is not my interpretation. If he thinks that is the way to help injured

workers, he and I view the welfare of injured workers in a totally different fashion.

Mr. Barlow: We agreed that two years ago.

Mr. Laughren: Who agreed to it? We did not agree to it.

Mr. Barlow: We agreed that we were going to disagree.

Mr. Laughren: Oh, yes; and because of its majority the government steamrollers on through. The honourable member should listen to his colleagues over there and stop interjecting. He is prolonging the debate.

Mr. Chairman: Let us return to this section and the debate on this amendment. Do not let the interjections sway you. You are getting off the track.

Mr. Laughren: Mr. Chairman, I will take your advice and ignore the interjections from those bandits over there.

I am still at a loss to know why the minister thinks it is legitimate to deduct Canada pension plan benefits when earnings are being computed. I have never had a legitimate reason. I would actually support this section of the bill if—and it is a very big if—the government agreed that what is needed in this province is a comprehensive social insurance program to compensate people for injury or illness, regardless of where the accident or illness occurs and regardless of the fault. Then I do not think we would have stacking; we could integrate everything. That is not what these people do, and it is not what these birds are after; they are after a subsidy for the private sector from the public sector through the Canada pension plan.

I know the Chairman is one of the most fervid free enterprisers in Ontario. I suspect that if he were allowed to speak out from his prestigious position as Chairman of the committee, he would agree that the private sector can stand on its own two feet without a subsidy from the Canada pension plan. That is what I believe and I have never failed to believe it. I really believe the private sector does not need this assistance. However, the Minister of Labour has decided it does.

Does the minister think there would have been a groundswell out there in the private sector if he had decided not to include the Canada pension plan? The Canada pension plan trick did not come from the private sector; it came from Paul Weiler. It was not the chamber of commerce, the Canadian Organization of Small Business or anybody in the private sector that called for this to be implemented; it was Paul Weiler, who did

the original report, Reshaping Workers' Compensation for Ontario. That is what started it; it was not the private sector.

I do not know why the minister felt he had to throw this little tidbit to them. I do not understand it, unless it were to say, "We are still your friends and we will still do what we can for you." Perhaps it was because of the increase in the ceiling and the increase in some of the benefits. Is this why the minister thought he had to do it?

There must be a reason. The minister would not bring in the Canada pension plan nonsense without a reason. My suspicion is there was a tradeoff somewhere. I do not know where that tradeoff is, but I would like to know. Was it a tradeoff with a particular increase in benefits, or was it just a general tradeoff? Perhaps the minister said, "I am going to increase these benefits regardless of what you in the private sector say, but relax because I am going to have Canada pension plan benefits included in the computation of earnings and that will subsidize you people at least a little."

4:30 p.m.

It does not make up for it all, but it is a subsidy for the private sector. I will bet they did not demand it. I know they complained about the assessment rates, but that is another debate we can get into; I would have trouble getting away with it on this section, with this Chairman. If the member for York Centre (Mr. Cousens) were in the chair, I would have no problem getting away with any divergence from the section, but not with this Chairman.

I know the private sector was angry about the assessment rates, but I do not believe it demanded that Canada pension plan be included in the computation of earnings. That was simply a gift from the Minister of Labour, so he would still appear to be on side. When members of the Employers' Council on Workers' Compensation stomp into the Tory caucus some Tuesday morning and rant and rave about assessment rates, the minister can say: "Relax now. Yes, you are right. We did increase some benefits, but look, we brought in the Canada pension plan as an offset."

I suppose in some camps that is a bit of a feather in the minister's cap, but it is not in the camps of injured workers or of those of us in this party. I ask the minister to tell us, so I can sit down and be quiet on this section and we can move to another section, just what the tradeoff was. Why did he bring in the CPP offset, which appears throughout this bill? If I could get some

kind of response from the minister on that we could move on to another section.

Mr. Haggerty: I want to support the amendment put forward by the New Democratic Party critic. I share some of the concerns mentioned by other members, particularly about the section that includes the Canada pension plan item, to bring it along with the principles of the Workers' Compensation Act and integrate the two insurance schemes. I am a little concerned about it because in the long run the injured worker will be shortchanged by this move, particularly as it works through the system.

No doubt workers' compensation will be piggybacking on the Canada pension plan. Subsection 41(2) of the act deals with where an injury occurs; now that will be dovetailed with the Canada pension plan so a person who has accident insurance with the Canada pension plan can piggyback on to that portion too along with workers' compensation benefits. For example, if a person is injured, he can get 15 weeks of CPP for a disability. A person pays a portion of that until the age of 65 and then he is cut off because he will continue on CPP benefits and old age security.

I think of the nest-egg of money sitting there that belongs to the injured worker. There could be an assessment award of \$15,000, \$20,000 or \$30,000 sitting in a trust fund handled by the Workers' Compensation Board. When one applies the Canada pension plan along with this until age 65, when one receives the old age pension, that sum of money should follow a person if it is going to cut it off at age 65. That money belongs to the injured worker because of all the hardships he has gone through and the health problems he has endured during his disability.

I cannot accept the principle of the bill as it is written, because that money belongs to the injured person. The person has sat on it for years, thinking he has generated a source of income. Anybody who understands the Workers' Compensation Act knows that when an assessment is given, an award of five or 15 per cent or whatever, all the person has been getting over the years is the interest on the money that is put in trust. No more.

The final outcome of this bill is that the government wants to steal from the injured worker what is rightfully his. I do not know if other members look at it that way, but that is what is going to take place. That amount of money could be \$15,000, \$20,000 or \$30,000. It could go back to the Workers' Compensation Board

and be used in whichever manner it wants. When that person reaches the age of 65, he is no longer entitled to benefits under the Workers' Compensation Act. Dovetailed into that is the Canada Pension Act and old age security, and there may be only a little bit left.

What I am saying is there is a nest egg that belongs to the injured worker. If he dies, the portion that remains in the trust fund should pass to the survivor. Rightfully, it belongs to the survivor as well as to the injured worker.

I cannot go along with this bill, because I think the approach taken is wrong. As the member for Nickel Belt (Mr. Laughren) said, there should be a comprehensive insurance scheme regardless of where the accident occurs. Back in 1968, the then member for Niagara Falls introduced a resolution which was discussed here in the House. At that time, the party to my left did not support that principle. But it has been a principle of the Liberal Party of Ontario that there should be a comprehensive scheme for injured persons, regardless of where the accident happens.

In debating the last stage of this bill, I suggest it almost takes every right away from the injured worker, because it is going to shortchange him further. At one stage of the game we have 90 per cent of net income, and now we are coming back to 75 per cent of gross income. I believe I mentioned to the minister before that I think 75 per cent of gross income gives the injured worker a few dollars more a week than does the net income calculation.

I cannot accept the bill. I want to see changes, but I want to see fair changes in the workers' compensation system. It has not been fair in the past, and with this legislation it will not be any fairer today than it was yesterday, because this bill is going to make it much tougher for an injured worker to receive compensation for an injury or an industrial disease. I cannot accept it.

Hon. Mr. Ramsay: As usual, the comments made by the four members were eloquent and to the point. They have all been said before many times during this debate and in previous debates. There is nothing I can add to what I have said before.

I was asked one direct question by the member for Nickel Belt, and that was whether there was a tradeoff involved with the employer's council or the private sector, whatever the case may be. I can state most emphatically that there was not.

Mr. Foulds: Unfortunately I have not been able to participate in the entire committee stage of this debate. I would like a simple answer to a

direct question: Why is the minister including Canada pension?

Hon. Mr. Ramsay: With respect—

Mr. Foulds: The question was not that mean.

Hon. Mr. Ramsay: No, it was asked in a very straightforward manner as is usually the case with the member for Port Arthur (Mr. Foulds). If he wishes me to go back and read the comments I gave earlier in the debate, I will do that; but it is all in Hansard. It has been said at every committee stage and so on.

Seriously, I just have nothing more to say.

4:40 p.m.

Mr. Chairman: All those in favour of Mr. Lupusella's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Hon. Mr. Ramsay: The member for Dovercourt beat me to my feet, as he usually does. He is agile and alert at all times. However, I had an amendment that should have come before his.

Mr. Chairman: Hon. Mr. Ramsay moves that subsection 133(1) of the act, as set out in section 37 of the bill, be struck out and the following substituted therefor:

"(1) Sections 21 and 22, subsection 36(2) and sections 37, 42 and 49 of this act, as continued by section 132, are repealed.

"(2) Subsection 36(2) and section 37 of this act, as they read immediately before the coming into force of this section, apply to a dependent widow or widower or a dependent common law wife or husband who remarried or married, as the case may be, before the coming into force of this section."

Hon. Mr. Ramsay further moves that subsection 133(2) of the act, as set out in section 37 of the bill, be renumbered accordingly.

Hon. Mr. Ramsay: Earlier in the debate I dealt with our proposals regarding the enhancement of pensions for existing survivors of fatally injured workers. One other aspect of the treatment of existing surviving claimants warrants mention.

At present, such benefits are discontinued on remarriage following a lump sum payment composed of two years' benefits. Bill 101 proposes that such benefits continue regardless of subsequent remarriage, on the principle that one's marital status should have no bearing on the amount of pension to which one is entitled.

I have, therefore, proposed the amendment to ensure that this feature of Bill 101, the permanent

nature of survivorship pensions, be extended to existing survivors who may remarry in the future. I believe that the more symmetrical treatment of these two groups of survivors, both in terms of the comparability of continuing pension levels and in terms of the remarriage provision, will enhance the perceived rationality and fairness of the workers' compensation system.

Mr. Lupusella: I do not have any problem. My colleague the member for Nickel Belt can have precedence in speaking if he wishes.

Mr. Laughren: I am a little concerned with this amendment as I understand it. Let us say, for example, this bill gets royal assent on February 1, 1985. If that happens, this new legislation will apply to everyone who gets injured after that date. Is that correct?

The minister is nodding his head. He is moving his head in the direction that to most people means "Yes," but one never knows with this minister.

I am concerned that if the bill becomes law on February 1, and someone gets killed on January 31, the surviving spouse of that worker would not get any lump sum payment whatsoever. Am I right? I think I am correct. This bothers me.

In committee, we tried hard, long and loudly to convince the minister. We protested and tried to make the point that there should be some lump sum payment to make up for existing widows or widowers, whatever the case might be. The minister was very stubborn, unyielding and inflexible in that regard.

We think there is something wrong with this section when it says that after a certain date people will get a lump sum and the day before that they will get nothing. It could be \$60,000. There could be a \$60,000 difference between 11:59 p.m. on January 31 and 12:01 a.m. on February 1 if the bill were to receive royal assent then. We think that is wrong.

I know that when we bring in legislation there has to be a date on which that legislation becomes law; obviously that is true of all legislation. What we are saying is that this is not sufficient reason to ignore all those people out there now who got a really rotten deal from the Workers' Compensation Board when their spouses were killed on the job.

I really mean it is a rotten deal. In the last few years the benefits have improved somewhat for spouses, but there was no lump sum payment and, until about the last four or five years, widows in some cases were getting WCB pensions of \$200 or \$300 a month. We think that

is wrong. Here someone is going to get \$60,000 and someone else is going to get absolutely nothing.

I recall that we put a number of amendments to the minister in the committee on the sliding scale. All right; it would not have to be an equal amount, but what about a reduced amount? It would at least acknowledge the plight of those people whose spouses were killed on the job. Oh, no; the minister dug in and would not make any changes. For that reason we have always been a little concerned about the way existing spouses are being left behind.

Mr. Lupusella: I am always fascinated by the flexible mentality of my colleague the member for Nickel Belt, because we are confronted with the rigid mentality of members on the other side of the House.

We have stated several times that some flexible retroactivity should exist within the principle of the law, and if the minister will come down to the real world where human beings live, I want to try again with another example, if he will pay attention to it.

Let us say there was a very serious accident that leads to the death of the injured worker. In other words, the injury causes death; it is a fatal accident, but it is not a sudden death. The injured worker goes through agony for four or five days and then passes away as a result of the industrial accident. His or her spouse will be penalized under this section.

I have been telling the minister not to live up in the stratosphere above the atmosphere, but rather to live with human beings. These people will be penalized; it is as simple as that. Let us make the law reasonable to take into consideration cases in which people are having problems. If the minister is particularly concerned about those survivor spouses and about improvements in the law—or marginal improvements, as the member for Nickel Belt has stated on several occasions—we are penalizing these people as a result of the inadequate, inflexible and rigid law.

We are dealing with fatal accidents in which the injured worker does not die immediately as a result of the accident, and the spouse will be penalized as a result of that. Are we willing to introduce within the principle of the law some sort of retroactivity to take into consideration genuine cases like the one I have been talking about? Or do we want to live above the atmosphere, outside this world, where these particular cases will not be taken into consideration?

4:50 p.m.

If the injured workers are faced with two or three days' agony, the survivor spouses will not get the benefit of the lump sum because the accident took place three or four days before the enactment of this legislation.

I am getting so frustrated because this type of principle and the retroactivity issue has been widely debated in the committee. I know a lot of people are sick and tired of listening to this type of argument, but as far as we are concerned the principles are clear in our minds. If we want to reflect the needs of our population, the citizens and the workers of this province, I do not understand why the minister is so inflexible and so rigid in determining certain principles of the law when some sort of retroactivity should be in place to take into consideration the example I have given to the minister.

If we reject that, we are going to see survivor spouses going to 400 University Avenue crying to the minister and saying, "Why are other people receiving a \$30,000 lump sum and my husband passed away and I did not receive the lump sum?" The retroactivity clause becomes important. Even though we understand the position of the minister and the government that the principle behind any legislation governing workers' compensation in Ontario is dollars and cents, and I am sure the actuaries down at the board are playing a big role in determining the disclosure of the money injured workers are entitled to, I would urge the minister to become more flexible, to face human need problems and take these problems into consideration within the framework and infrastructure of the law of this province.

Mr. Laughren: I do not know whether I was absent or asleep, but I missed an improvement the minister made and I wanted to acknowledge it. That is the catch-up on the pension levels for spouses. I believe it is three per cent a year for three or four years until the spouse whose husband or wife was killed on the job has caught up to the level of pensions for people whose spouses are killed on the job after this bill becomes law. I want to acknowledge that.

Of course, we were hoping for at least some kind of lump sum to ease the burden a bit as well.

Mr. Chairman: All those in favour of Hon. Mr. Ramsay's amendment to section 37 of the bill will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Hon. Mr. Ramsay: I have another amendment—

Mr. Lupusella: If I may, I need an answer to the matter I brought to the attention of the minister about the retroactivity clause. It concerns people who are involved in serious accidents before the enactment of this legislation. The person may pass away one, two or three days after the passage of this legislation. Does the legislation cover these people or reject them?

Hon. Mr. Ramsay: We have gone through this over and over again. I cannot add anything new to the debate. I understand what the member is saying and I respect him for what he has said. What date do we pick? I have nothing to add.

Mr. Chairman: Hon. Mr. Ramsay moves that section 136 of the act, as set out in section 37 of the bill, be amended by striking out "Subsection 43(5) of this act, as continued by section 132, is repealed and the following substituted therefor:" in the first and second lines and inserting in lieu thereof the following:

"Subsections 43(4) and 43(5) of this act as continued by section 132, are repealed and the following substituted therefor:

"Where the impairment of the earning capacity of the worker does not exceed 10 per cent of the worker's earning capacity and the worker does not elect to receive compensation by a weekly or other periodic payment, the board shall, unless the board decides that it would not be to the advantage of the worker to do so, direct that such lump sum as may be considered to be the equivalent of the periodic payment shall be paid to the worker."

Mr. Mancini: I would like to ask the minister to help me understand this a little better. The amendment states a worker whose impairment of earning capacity "does not exceed 10 per cent." Are we talking about the worker's pension?

Hon. Mr. Ramsay: This is a concession to some points that were raised during debate earlier, and I made an announcement to this effect at the start of the proceedings, I believe it was on Monday afternoon. I thought the member greeted it with—

Mr. Mancini: I am just asking some questions. Is it still allowable?

Hon. Mr. Ramsay: Yes. I was not trying to be flippant. I was just indicating that I thought at that time the member had approved. I indicated I would be introducing an amendment of this nature, and my understanding was that the member had approved of the amendment.

Mr. Mancini: That may be correct, but I have to understand the legalese as it is written by the staff of the minister. We may agree in principle on a certain item, but once we draw it up in legal fashion it may reflect a different view than we thought. All I am asking for is a clarification of the legal description of this section, which is done all the time.

Hon. Mr. Ramsay: This may throw a little light on the subject. When I brought this forward the other day, I moved an amendment to section 11 of the bill, subsection 45(4) of the act, and this is exactly the same amendment that was made at that time.

Mr. Mancini: Give us some further explanation of what we are doing here.

Hon. Mr. Ramsay: I apologize but I just do not have my notes handy. I did not realize this was going to have to be made in this section as well as having been made in section 11. If we can stand it down for just a moment, I am sure I can give the member a very concise explanation as soon as I find the notes.

Mr. Mancini: I would agree to have it stood down.

Hon. Mr. Ramsay: The amendment is exactly the same amendment as was made to section 11 of the bill with reference to subsection 45(4) of the act. It allows a worker to refuse to permit the board to commute the weekly periodic payments to a lump sum. If the worker objects, the board cannot commute. That was something that was suggested by both opposition parties.

5 p.m.

Mr. Mancini: That is absolutely correct. The minister's amendment states, "the board shall, unless the board decides that it would not be to the advantage of the worker to do so..." That is a lot different from the worker asking the board to have the payments made in one way or another. I agree with the intent and I agree with the principle, but the drafting is a little sloppy, if I may say so, and I say that with great respect.

Mr. Laughren: I should remind the member for Essex South (Mr. Mancini) that some of Ontario's most finely honed legal minds drafted this section, so he should be careful whereof he speaks, or the wrath of the law society will be down around his ears.

I do not have a copy of this, unless it is the one the minister wrote out by hand before.

I have the same concern as the member for Essex South. There is a big difference between saying an injured worker can refuse to have a pension of less than 10 per cent commuted and

having the board decide in its wisdom whether it will be in the best interests of the worker to commute it.

Our problem is with the way subsection (4) reads now: "Where the impairment of the earning capacity of the worker does not exceed 10 per cent of the worker's earning capacity and the worker does not elect to receive compensation by a weekly or other periodic payment, the board shall, unless the board decides that it would not be to the advantage of the worker to do so, direct that such lump sum as may be considered to be the equivalent of the periodic payments shall be paid to the worker." It is a very strange way of wording it.

Hon. Mr. Ramsay: This might help. These are the comments I made when I introduced this on Monday:

"On Thursday the member for Dovercourt moved an amendment to subsection 45(4) of the act as set out in section 11 of the bill...

"Members will recall that, as it now stands, this subsection requires the board to direct that a lump sum, instead of a periodic payment, be payable to workers whose impairment of earning capacity is less than 10 per cent, unless the board feels it would be to the worker's advantage to receive continuing payments.

"The member for Dovercourt has moved that the worker be given the option of continuing to receive periodic payments, if he or she so desires, by inserting the words 'with the agreement of the injured worker' into the subsection in question...I am in agreement with the principle that workers should have the option of receiving periodic payments instead of a lump sum in this situation. After conferring with counsel, I have determined that more effective legal language can be drafted to achieve this result."

That legal language was accepted on Monday, but it has not been accepted today.

Mr. Mancini: With respect to the minister, the legal language we accepted on Monday is not what we have before us here today. In no part of subsection (4) does it say the worker has the choice. It says clearly and simply that the board "shall," not that the board may or will consult with the injured worker or that the injured worker will have an option one way or another. It simply states that the board "shall."

As I said earlier, we may have agreed on the principle of what we wanted done, and I raised the same case when we were dealing with the other section and got that straightened out. So it should just be a matter of a few moments and maybe a couple of hand-scribbled notes from the

minister's expert legal staff under the gallery, who are always capable of helping the minister in these touchy situations, and we will have the whole matter resolved.

It is not a question that we disagree. But the word "shall" means something completely different from what we intended to do.

Mr. Laughren: I agree with the principle embodied in what the minister is saying, and that is the only reason I am not going to point out the lack of a quorum.

Hon. Mr. Ramsay: Mr. Chairman, if the committee wishes to stand it down for a few moments, we will try to clarify it.

Mr. Chairman: Does the committee agree?

Hon. Mr. Ramsay: I have another amendment.

Mr. Laughren: I really am offended by the lack of government members here.

Mr. Chairman: Mr. Lupusella moves that section 37 of the bill be amended by deleting in lines 10 and 11 of the proposed subsection 43(5a) the words following the word "rate" in line 10.

Mr. Lupusella: Very briefly, I think our position is clear in relation to the principle of the Canada pension plan, namely, that it should not be interfered with by another level of government. What we seek to accomplish with our amendment is just deletion of the last portion of subsection 43(5a), reading "and to any payment the worker receives under the Canada pension plan."

We believe that principle has been elaborated several times throughout the course of debate on Bill 101. This is another case where the Canada pension plan involves a penalty for injured workers. We believe the line relating to the Canada pension plan should be deleted.

Mr. Mancini: We continue to oppose the integration of WCB benefits with the Canada pension plan.

Mr. Chairman: Shall Mr. Lupusella's amendment to the proposed subsection 43(5a) of the act, section 37 of the bill, carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Hon. Mr. Ramsay: I wonder if we could go back and catch up with the other one here.

I have a copy of the two amendments—the one made in section 11 and that in section 37—and I believe them to be identical. I will send them over to the member for Essex South. I understood

he felt they were not identical and that is why he asked me to explain it.

5:10 p.m.

Mr. Mancini: The minister will please correct me if I am wrong when I say that earlier in this bill we dealt with a section concerning the commutation of pensions, in which it was originally stated that if a pension was 10 per cent or less, the board would automatically commute the pension.

Our objection to that was that the worker should have right to accept the computation in full or to ask the board for the continuance of weekly or monthly benefits, or however it was going to be paid. It was my understanding that was accepted by all and we were going to give everyone the choice. The board could either commute the pension or make the regular payments, and this would be done after an application by the worker.

Hon. Mr. Ramsay: The answer to the member's question is yes. The amendment I am making now is the same amendment that was made earlier and that the member agreed to.

Mr. Mancini: I may be completely wrong. If I am, I wish to apologize for holding up matters. I know we are under a lot of stress. The minister is talking about subsection 45(4) of the act, as set out in section 11 of the bill, "Where the impairment of the earning capacity...." That does not deal with the pension. The impairment of the earning capacity and pensions are not the same thing, are they?

Hon. Mr. Ramsay: In this section we are dealing with existing claims.

Mr. Mancini: That is my whole point.

Hon. Mr. Ramsay: Section 45 dealt with new claims. This deals with existing claims. We are doing the same for existing claims as we did for new claims. That is all it is, just a legal process we are following, believe me. The third party—

Mr. Mancini: I do not always trust the third party.

Hon. Mr. Ramsay: With respect, the member agreed to it before. I cannot understand why does not agree to it now.

Mr. Lupusella: I would like to clarify the position for the benefit of the member for Essex South. We endorsed and supported the principle of this section.

The disagreement arises out of the terminology used. The statement made by the member for Essex South to clarify the position of this section is clearly spelled out. The injured worker

has an option to choose before the board, which has the authority to give either a lump sum or a periodic payment, which will be in the form of a pension, as far as I understand.

There may be some confusion about the terminology used. The board will have an extra opportunity to decide whether the lump sum or the periodic payment should be given to the injured worker after finding out whether it will be to the benefit of the injured worker to receive the lump sum or the periodic payment with the consent of the injured worker. There is some confusion, and I think that is what the confusion is all about.

Mr. Chairman: Yes. I think we have had discussion and we have had reassurance.

Mr. Mancini: I accept the principle, but I cannot accept the terminology. I cannot accept the section the way it is written legally because it will not address the concern we raised and that the minister says he is taking care of. When the section states, "the board shall," it in no way indicates there will be an option for the worker to ask the board to do anything, except to accept the decision the board has made.

Mr. Chairman: All those in favour of Hon. Mr. Ramsay's amendment to subsection 43(5) in section 37 of the bill as set out in section 136 of the act will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Mr. Chairman: Mr. Lupusella moves that section 37 of the bill be amended by deleting in lines 5 to 7 of the proposed subsection 43(5c) the words following the word "earnings" in line 5.

Mr. Lupusella: I would like to say a few words on this. In the past, the member for Nickel Belt, myself and others have argued about the principle of using "may" and "shall" when dealing with the discretionary power given to the board. It has the discretion of using "may" instead of "shall." When dealing with the benefits the injured workers receive, there should be no misunderstanding—the board "must."

Let me enlarge on the principle enunciated in this subsection which states, "A supplement awarded under subsection (5b) shall be a weekly or other periodic payment and the total sum of such supplement and the award under subsection (1) shall not exceed the like proportion of 75 per cent..." Here we do not give the board discretionary power to give benefits above the proportion of 75 per cent of the injured worker's pre-accident average earnings.

It is clear that when we give authority to the board to decide, the discretionary power prevails. Why do we not say that the board may give more than 90 per cent of the net average earnings to an injured worker when an injury has taken place? No, the law is clear. One cannot confuse the principle of the law. The board must give that amount of money and nothing else.

When we are dealing with discretionary power, then the board "may." The verb "may" is given different interpretations and the first is political interference when Tories call the board. That is why they give the board discretionary power instead of giving a clear mandate to the board that it "must" give certain benefits to injured workers.

I am sure the minister will not deny my allegation that political interference is behind it. They call the chairman or others and the discretionary power is used to serve their constituents. However, we have to go through the appeal system, spending hours and hours to prepare cases and to save people and families who are suffering throughout the province. I feel very offended.

The other reason for the amendment is to delete the other lines which have to do with the calculation of the amount of the supplement, "the board shall have regard to any payments the worker receives under the Canada pension plan." We feel offended by this clause which is incorporated throughout Bill 101.

5:20 p.m.

Mr. Chairman: All those in favour of Mr. Lupusella's amendment to subsection 43(5c) of the act, as set out in section 37 of the bill, will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Vote stacked.

Mr. Chairman: Hon. Mr. Ramsay moves that subsection 43(5d) of the act, as set out in section 37 of the bill, be struck out and the following substituted therefor:

"Notwithstanding subsection 41(2), as enacted by section 135 or subsections (5a) or (5c) of this section, the fact that a worker is receiving payments under the Canada pension plan shall not be a bar to receiving payments under section 41, as continued by section 132 or subsection (5) or (5b) of this section, and the board, in having regard to payments received by a worker under the Canada pension plan, shall have regard only to those payments received by the worker with respect to a disability arising from an injury.

Mr. Mancini: Here we have a situation where it appears the government is doing injured workers a favour by saying Canada pension plan payments, as I understand it, which are being received for an injury not associated with the injury for which one would collect WCB benefits, would be separate. The minister appears to be doing everyone a favour, but we would not have this problem if he were not committed to the integration of the CPP, which in my view is wrong, which our party has stated is wrong and which we will continue to believe is wrong.

Mr. Lupusella: Before I make a few comments, I am wondering whether the minister made a mistake in the use of "shall not be a bar." Perhaps he would like to change his mind, using the verb "may" instead of "shall."

When we dealt with subsection 41(2) and other sections interrelated to subsection 41(2) of the bill, section 135 and subsections 136(5a) and (5c) of the act, we endorsed the principle that the Canada pension plan shall not be a bar to receiving payments under section 41 and so on.

If we understand the policy utilized by the board within the framework of the present system, an injured worker will be able to receive rehabilitation assistance, but most of the time, or all the time, the pension supplement is denied because the injured worker applied for the Canada pension plan. That means he considers himself totally disabled. The interpretation of the policy of the board then is that the injured person cannot co-operate with the rehabilitation department.

The minister, seemingly showing flexibility towards the injured worker, now states the Canada pension plan is not a bar to receiving a pension supplement, but again there are penalties involved. The first one takes into consideration the partial payment with respect to a disability arising from the injury. My concern is the scale that will be utilized in defining what is the aspect of the disability arising from the injury.

On different subsections the minister has told us the board will be in contact with the federal government to determine in some way the scale and how the deductions will take place.

In all fairness, I have to admit that even though there is an improvement in the principle, which specifies that injured workers will not be penalized from receiving pension supplements if they receive Canada pension plan payments, there are other penalties involved within that particular improvement.

With regret, even though I realize there is a slight improvement, I have to say we will not support the amendment.

Mr. Chairman: All those in favour of Mr. Ramsay's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Mr. Chairman: Mr. Ramsay moves that section 137 of the act, as set out in section 37 of the bill, be struck out and the following substituted therefor:

"137(1) Sections 50 and 55 of this act, as re-enacted or amended by sections 13 and 14 of the Workers' Compensation Amendment Act, 1984, apply to this act, as continued by section 132;

(2) Sections 21 and 56 to 86s of this act, as amended, repealed, enacted or re-enacted by sections 15 to 32 of the Workers' Compensation Act, 1984, apply to this act, as continued by section 132;"

And that subsection 2 comes into force on the day section 132 of the Workers' Compensation Act, 1984, comes into force.

Hon. Mr. Ramsay: Mr. Chairman, I am proposing that section 37 of the bill be amended to permit those sections of the act dealing with the revised payment of benefits to injured workers to be brought into force at an earlier date, if possible, than those concerning changes in the board's administrative structure.

Members will recognize that a greater interval of time is necessary to establish the composition of the proposed independent appeals tribunal than is necessary to implement new methods of calculation of benefits. The proposed amendment has the effect of achieving the fastest possible implementation of the act to the advantage of all parties concerned.

Mr. Mancini: We understand the bureaucratic procedures will take some time—

Mr. Laughren: They will take for ever.

Mr. Mancini: We hope they do not take for ever. We understand that to establish this tripartite board of directors, the medical board of advisers and all those important things is going to take some time. We are happy the minister is going to move forward with the benefits that Bill 101 may bestow on workers. We certainly do not want those benefits held up, and we will be supporting the minister's amendments.

Mr. Laughren: I wonder whether the minister will accept a minor change in the way he has presented this—

Mr. Stokes: A friendly amendment?

Mr. Laughren: A friendly amendment is what I am trying to say—in such a way that any references to the Canada pension would not come into place until the administrative bureaucracy at the board is completely straightened out.

Hon. Mr. Ramsay: In view of the fact that was a friendly suggestion, I will try to answer in as friendly a way as possible while saying no.

Motion agreed to.

5:30 p.m.

Mr. Chairman: Are there are any further comments, questions or amendments to section 37 or the following sections?

Mr. Laughren: There are two things I want to say; the first is about the title of the bill, the Workers' Compensation Amendment Act, 1984. I am very pleased a private member's bill was introduced in this chamber at one time changing the name from the Workmen's Compensation Board to the Workers' Compensation Board. The mover of that bill shall go unnamed for the moment.

The only other comment I want to make is that as the minister proceeds with the implementation of this legislation, he should be careful of the legal advice he is getting. When I checked on how to interpret a section of the bill, I was told that to understand the amendment properly, one had to read it from the bottom up. It was good advice and I appreciated it. When I did read it from the bottom up, I understood it much more clearly. I do not know what that means. Perhaps it means the bill should be printed upside down.

Mr. Stokes: It is very appropriate that the honourable member should interject that bit of trivia. Many years ago, I asked why the Workers' Compensation Board was having so much difficulty responding to requests for assistance on behalf of my constituents. It was when they had just moved from Harbour Street to Bloor. They said they were having difficulty adjusting their vertical filing system with a horizontal building.

Mr. Lupusella: Before we finish, I would like to state clearly that I disagree with the statement made by the member for Nickel Belt. I strongly object to the short title of this act, the Workers' Compensation Amendment Act, 1984. I would move an amendment that the title should be replaced by one identifying it as the universal insurance scheme in Ontario on behalf of injured workers.

Sections 38 to 41, inclusive, agreed to.

Hon. Mr. Ramsay: Mr. Chairman, may I just take a moment or two to express some sincere sentiments?

Mr. Laughren: Do not blow it now.

Hon. Mr. Ramsay: No.

I want to thank the members of the official opposition and of the third party who have contributed to what I think is a very important piece of legislation, not only here in the Legislature over the last number of days but also at the committee stage. I extend those congratulations and thanks to the members from the three parties who made up that committee for the numerous times they met to address the matters involved.

I also thank the large number of persons and organizations that brought some very positive and constructive briefs and submissions to the committee. I also wish to mention the various representations I had by letter, personal meetings, etc., with persons from all over this province, from every walk of life, who were terribly interested in this bill.

I also want to pay tribute to my predecessor, the Minister of Consumer and Commercial Relations (Mr. Elgie), who commissioned the original study by Professor Weiler, which led to this bill. My thanks also go to the various staff persons in the ministry and at the board itself who have been faithful beyond any level one could reasonably expect. I am indebted to each one who has been involved in Bill 101 at any stage.

EMPLOYMENT STANDARDS ACT

Resuming consideration of Bill 141, An Act to amend the Employment Standards Act.

Mr. Gillies: I see we have about 10 minutes of debate left before dealing with the previous bill, with the votes that were stacked until 5:45 p.m. If I could get agreement from my friends opposite to pass this bill in 10 minutes, it would be a very productive afternoon indeed.

Mr. Laughren: Keep whistling.

Mr. Wildman: Just move the amendment to section 1.

Mr. Gillies: All right. I understand we do not have agreement.

First, I would like to get some clarification from the critics about the suggestion I made when we last debated this bill as to whether we should stand down subsection 33(1) and proceed with the rest of the bill.

Mr. Mancini: Mr. Chairman, was there not some discussion that the bill could be split? We could pass the sections on which we had some

agreement and, whenever possible or whenever time allowed in our busy schedule here in the House, we could continue to debate the section on which we will not get agreement, which may hold us up and cause the entire bill to die. Was there not some discussion of that?

Ms. Bryden: I understand the House leaders have agreed that section 1 should be stood down and that we should deal with the pregnancy and adoption leave sections. It would be nice if we could have those sections as a separate bill, which this House could deal with before the recess. That could be achieved if the government withdrew section 1.

In that way, the government would have time to reconsider the swell of public opinion against the present section 1 amendments, which do not provide equal pay for work of equal value, despite the protestations of the minister that they do. It would give the ministry time to bring in new legislation after Christmas that would implement that principle and on which there could be a full debate on the implementation methods.

While the government is considering that possibility, I suggest we proceed with the amendments regarding pregnancy and adoption leave. As it is almost a year since we had second reading of this bill, and then it was carried over to the new session, I suggest it would be appropriate for each of the critics to have a certain amount of time to review the proposals in this section. We have not dealt with them in any way at all in committee but only in a very short second reading debate, which concentrated briefly on these clauses, mainly on the equal pay for work of equal value clauses, or the lack of equal pay for work of equal value.

It would be useful if each of the critics took a few minutes to give his or her overview of these sections, which have not been amended since 1974, and indicate his or her general view on the principles and whether amendments will be required. Then we can go into clause-by-clause consideration of amendments. All parties have already circulated some amendments, so there will be a requirement for clause-by-clause consideration; however, I would like to have an opportunity to review the overall intent of this legislation and what Bill 141 proposes to do in the field.

Mr. Gillies: I certainly have no disagreement with my honourable friend about how to proceed. If we have agreement to stand down subsection 33(1), I wonder whether the critics will allow me to make a very brief statement just outlining two

further amendments the minister has instructed me to make.

Mr. Mancini: I do not believe the parliamentary assistant has dealt at all with my comments. We now find ourselves two or three days before adjournment dealing with a very important piece of legislation that we have been debating endlessly. The reason there has been endless debate is section 1.

Mr. Stokes: I thought they had called it only once.

Mr. Mancini: The member for Oshawa (Mr. Braeugh) had the floor for quite a while.

Mr. Chairman: Order.

5:40 p.m.

Mr. Mancini: I am sorry about that, Mr. Chairman. The reason we have not moved forward is the contentious matter that we find in section 1. I do not know how we can proceed in good faith, making, debating and voting on these amendments, and then when we get back ultimately to the section there is a great divergence of views between the opposition and the government.

The matter will just be held up again. We will have gone through the whole process of debating sections, of making amendments, of passing some and having others defeated. Ultimately, when we finish all that, we have to go back to the section where there is not unanimity. I am sure the parliamentary assistant agrees with me on that.

When we get back to that section, what will we do then? Are we just going to debate until the time runs out and have the government say, "These benefits could have been presented and could have been made available to certain people in Ontario, but the opposition talked out the session and, therefore, we cannot pass the bill"?

I have to say to the parliamentary assistant we are not going to get into that game. That is a game that will place the opposition in a position that not only is unfair but also will distort in public the views we hold. We have been talking about this for a very long time. The government cannot try to pretend that our views are only now being made available. It cannot pretend that only now is it finding out there is this tremendous diversion of views and playing this silly little game.

The minister knows as well as anybody else in this House that we have been asking for the bill to be split so we can move effectively and rapidly on the areas that will provide benefits that we agree upon and that can be implemented by the government swiftly. If we are going to move with

these amendments, as I said earlier, and try to pretend there is no problem with a section we cannot agree upon, and after we have done all of that have the bill stall in the House, I do not think we can comply. I do not think we can aid the government in trying to create such a situation.

Mr. Gillies: With the greatest respect, if my friend the member for Essex South is concerned that the government will in any way accuse him of obstructing this bill, he is absolutely right. We have been discussing this bill for a year now. There was a period of debate in standing committee back in January and we had a lengthy debate in committee of the whole House in the spring session.

We now stand—having brought the bill back on the floor with a previous agreement in October from the House leader of the Liberal Party and the acting House leader, as he then was, of the New Democratic Party, to stand down subsection 33(1) of the bill, so we might continue to find some common ground on other features of the bill on which we may agree, to proceed with amendments, to proceed with the clauses and then come back to the first section of the bill to see if we might have made any progress in our thinking towards a consensus on that—we now stand ready to proceed.

I have to tell the member that as far as the government is concerned, as far as the minister is concerned and as far as I am concerned, there are three very important features to this bill. The first is the introduction of the composite test to enhance the equal pay laws of this province and the other two are the introduction of further benefits in the areas of pregnancy and adoption leave.

I have no instructions to split this bill, and my friend the member for Essex South may rest assured that if he wants to stand accused of obstructing this legislation, the kind of little talk he just gave is engineered to do exactly that.

Mr. Chairman: Can I just canvass for clarification of the chair? There was some comment by at least one critic and the parliamentary assistant about a consensus to stand down subsection 33(1). I take it there is not consensus on that approach.

Mr. Mancini: Mr. Chairman, the government's game is already unfolding. I explained in detail to the parliamentary assistant, as honestly and as clearly as I could, why we could not at present move forward with those other sections. He knows full well. This has not been a secret around the Legislature. This bill has not been a

secret and the contention that revolves around subsection 33(1) has not been a secret.

We have been asking for a compromise in order to move forward with the positive aspects of this bill. Subsection 33(1) is not one of them. The suggestion has been made many times to split the bill. If the government wants to move forward and provide the benefits, as it says it does, a new bill could be printed overnight. We could speak to the sections contained in that bill and we would have it passed by Friday.

The member should not stand in the House and accuse me of being obstructive, because I have given a clear alternative. It can be passed by Friday.

Mr. Gillies: Mr. Chairman, on a point of order: Would the member for Essex South explain to me why his House leader, the member for Brant-Oxford-Norfolk (Mr. Nixon), was quite ready to accept the standing down of the section and proceeding with the rest of the bill, but now the member is saying the Liberal Party is not prepared—

Mr. Chairman: Order. The committee is under express directions to call in the members.
5:56 p.m.

WORKERS' COMPENSATION AMENDMENT ACT (concluded)

The committee divided on Mr. Lupusella's amendment to delete the proposed subsection 41(2) of the act, which was negated on the following vote:

Ayes 31; nays 52.

The committee divided on Mr. Lupusella's amendment to lines 10 and 11 of subsection 43(5a) of the act, which was negated on the following vote:

Ayes 31; nays 52.

The committee divided on Mr. Lupusella's amendment to subsection 43(5) of the act, which was negated on the following vote:

Ayes 31; nays 52.

The committee divided on Hon. Mr. Ramsay's amendment subsection 43(5c) of the act, which was agreed to on the following vote:

Ayes 52; nays 31.

Section 37, as amended, agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Wells, the committee of the whole House reported one bill with certain amendments and progress on another bill.

BUSINESS OF THE HOUSE

Hon. Mr. Wells: Mr. Speaker, I would like to indicate the business for tomorrow.

The House will meet in the afternoon. After question period, we will deal with Bill 82 in committee of the whole House. If there is any time between consideration of Bill 82 and five o'clock, we will deal with concurrences in the order they appear in Orders and Notices.

At five o'clock, private members' hour, we will deal with the motion of the member for Dovercourt (Mr. Lupusella). We passed a motion today to provide for a one-hour private members' period.

At eight o'clock, we will deal with Bill 140, the Metropolitan Toronto Police Force Complaints Act, in committee of the whole. Following that, we will continue with concurrences in the order they appear in Orders and Notices.

Pardon me—the first item of business after question period will be to deal with all the private bills on the order paper.

The House adjourned at 6:01 p.m.

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Hansard

Official Report of Debates

Legislative Assembly of Ontario

DEC 21 1984

Fourth Session, 32nd Parliament

Thursday, December 13, 1984

Afternoon Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 13, 1984

The House met at 2 p.m.

Prayers.

VISITOR

Mr. Speaker: Before proceeding with the business of the House, I would ask all members of the Legislative Assembly to join me in recognizing and welcoming in the Speaker's gallery Mr. Hikaru Oka, Consul General of Japan. Mr. Oka is visiting the Legislature today as my guest.

STATEMENTS BY THE MINISTRY

AFFIRMATIVE ACTION

Hon. Mr. Bennett: Mr. Speaker, at the annual conference of the Association of Municipalities of Ontario this past August, my colleague the Minister responsible for Women's Issues (Mr. Welch) announced the province had established an affirmative action incentive fund to encourage municipalities to increase the number of women in their work forces and to provide educational and developmental opportunities for their women employees.

With funding provided by the Ontario women's directorate, my ministry will be delivering a two-year affirmative action program for which guidelines have now been sent to all municipalities in the province. Municipalities that participate will receive grants of up to \$20,000 in the first year and \$18,000 in the second year to assist them in appointing co-ordinators who will develop and administer affirmative action programs.

To ensure that as many municipalities as possible are able to take advantage of this assistance, including those that may feel they are not large enough to warrant the appointment of a full-time co-ordinator, we are encouraging counties and regions to participate and to make the services of their co-ordinators available to their local municipalities. My ministry and the Ontario women's directorate will also organize seminars and training sessions to assist the co-ordinators in carrying out their responsibilities.

Approximately a dozen of the largest municipalities have already implemented significant

and successful programs for their women employees, and, since the AMO announcement by my colleague the Minister responsible for Women's Issues, many others have contacted us to express an interest in the new program. We feel local governments are in a unique position to encourage an awareness of affirmative action and to provide opportunities for women. We are confident this assistance will induce more municipalities to participate.

PUBLIC TRUCKING LEGISLATION

Hon. Mr. Snow: Mr. Speaker, I would like to bring the honourable members up to date on the status of my ministry's proposal to install a new Public Trucking Act in place of our current Public Commercial Vehicles Act.

As the House is no doubt aware, we have had a long-standing commitment to revise the outdated provisions of the PCV Act, provisions that no longer reflect the economic realities of our times. They have, in the eyes of many, become a hindrance to free trade and efficiency within the trucking industry.

In previous statements I described how we have stepped up our efforts in the direction of regulatory reform since the release in June 1983 of the report Responsible Trucking, which was the final report of the PCV Act Review Committee. That committee had a mandate to make recommendations for forward-looking legislation, legislation that would prepare the highway transport industry to face the future with confidence while at the same time supporting Ontario's manufacturing and distribution sectors as they tackle the challenges of the 1980s and beyond.

The committee's findings formed a blueprint for reforms to the trucking act that will fall far short of the virtual deregulation that recently occurred in the United States. The essential difference is that Ontario intends to retain an important role in seeing that the best interests of both the industry and the public continue to be met.

Our implementation steering committee has been at work for the past 18 months mapping out exactly what the role will be and assembling all the other essential details of the new act. I am

now pleased to inform the House that the draft legislation is ready to be tabled. We would like to take this opportunity to solicit further comments on its form and content from all interested parties. All submissions should be forwarded to the executive director of our transportation regulation operations division, Mr. Harold Kivi.

By asking for more public input, we hope to reinforce the spirit of consensus and co-operation that has characterized our regulatory reform process from the start. We have greatly appreciated the contribution of the private sector, particularly that of the trucking industry, in bringing the bill to the stage it is at now. We are counting on that participation to continue as we begin the implementation process next year.

It has been through the joint efforts of many different interest groups that the new bill has taken shape. We believe the consultative manner in which the legislation has been drafted makes it that much more responsive to the needs and desires of the people it will ultimately serve.

Because we are vitally interested in continuing this exchange of viewpoints, we are putting the draft legislation forward for public discussion during the next couple of months before introducing it for first reading when the Legislature reconvenes next spring. I would stress that our target date for full implementation is still January 1, 1986.

2:10 p.m.

We have made a commitment to the industry to implement this legislation in stages, thereby giving current operators time to adjust before introducing new competition to the market. We still intend to honour that commitment and to make every possible effort to ease the transition of existing licence holders. That is precisely why we have chosen to grant revised operating authorities only to those already working in the industry when the licence rewrite process gets under way in 1985.

In conclusion, the tabling of this new bill in the Legislature is merely the initial step towards complete regulatory reform. There are many bits and pieces that remain to be ironed out in the next year. For instance, revisions to the Highway Traffic Act and the Ontario Highway Transport Board Act will be required before the system is firmly in place. It is, however, essential that we get the process in gear so that more valuable time is not lost before we create a climate that will foster fairness, efficiency and innovation in the Ontario highway carrier industry.

ORAL QUESTIONS

ABORTION CLINIC

Mr. Peterson: Mr. Speaker, I have a question for the Solicitor General.

I am sorry the Attorney General (Mr. McMurtry) has consistently refused to show up in this House since issuing his statement last Tuesday, because many questions are developing that need his attention.

I read a disturbing article in the Toronto Star this morning that says a raid on the Morgentaler Clinic had been approved for 11 o'clock today, "but sources say McMurtry's office intervened to stop the raid—at least until next week." It went on to say this involved "a 'political dispute' with McMurtry's office."

Will the Solicitor General comment on the article? Is it valid? What is the nature of the political squabble?

Hon. G. W. Taylor: Mr. Speaker, in regard to the content of the article, I understand there was a press conference at one o'clock today between John Takach, Assistant Deputy Attorney General, and Chief Marks of the Metropolitan Toronto Police. Both of them contradicted some of the content of that article and emphatically stated there was no political squabble whatsoever.

They stated there was no difficulty about what was taking place and they were following the usual police procedures. They stated the chief of police and the investigating officers were conducting discussions on evidentiary and law matters, as is the usual custom for crown law officers and a chief of police.

Mr. Peterson: I always find it disturbing in this discussion that the Attorney General washes his hands of the matter, even though people he is responsible for now are involved with the police, and the Solicitor General always claims ignorance of the matter, saying it is not his involvement—

Mr. Speaker: Question, please.

Mr. Peterson: The minister does not talk to the Attorney General, and the Attorney General does not talk to the minister. No one knows what is going on.

Is the Solicitor General now persuaded that the law is being violated? Are the police going to raid that clinic and lay charges, or are they not? Is the minister going to allow this to continue and make a mockery of the law?

Hon. G. W. Taylor: I have explained previously to the members of the Legislature that

I do not direct the laying of charges, nor does any other political official. A few years ago, someone who held this office made telephone calls through genuine interest and a number of people got thoroughly upset about that. Now the members are asking me to direct the police to lay charges. From time to time I can instruct them to carry out an investigation.

I understand the police are conducting an investigation. When that investigation is completed and they have discussed it with the crown law officers, which is the normal procedure and not an unusual procedure, they will lay such charges as the evidence warrants. I cannot explain it any better than that. I am sure I would not be allowed to direct charges to be laid or not to be laid.

Mr. Rae: Mr. Speaker, if the Solicitor General is in the soup at all, it is precisely because he has been quoted in the popular press as having made certain statements with respect to his personal views on the likelihood of the police laying charges. He is quoted as saying he expects the police to lay charges.

Can he tell us what impact the acquittal of Dr. Morgentaler and his associates by four different juries in Quebec and Ontario has had on the legal thinking of the law officers of the crown and on the legal thinking of the police department with respect to the appropriateness of a raid?

Hon. G. W. Taylor: Mr. Speaker, I would say it has some bearing but not an enormous amount of bearing. As each individual charge comes up, if there is evidence to warrant it, a charge will be laid.

The fact that there have been four acquittals in different areas means four juries disagreed with the facts as presented in the law on those cases. It does not change the law in any way. The law is still the same, as I understand it. The federal law sets out that an abortion may be conducted only in an accredited hospital that has a therapeutic abortion committee. When the committee has made a decision to carry out an abortion, that is when an abortion can be carried out.

I understand this is a very emotional situation. I have different points of view coming from different areas, one that is pro-life and one that is not anti-abortion. These different views make it very difficult to present information.

Mr. Williams: Mr. Speaker, the issue raised by the leader of the third party was dealt with by Mr. Justice Parker in the original disposition of this matter in Regina versus Morgentaler on July 20. In addressing this issue, he clearly stated it is not a breach of the principles of fundamental

justice for an accused to be charged and prosecuted for an offence, notwithstanding his acquittal for a similar offence at a different time, in a different place and involving different parties, and one that occurred some 10 years ago.

Does that not give the Solicitor General a clear direction to disagree with the position taken by the leader of the third party?

Hon. G. W. Taylor: Mr. Speaker, I did not think I was agreeing with the leader of the third party. Each time a set of facts warrants certain types of information, charges can flow out of that. It does not matter how many times an individual has been discharged before, in my opinion.

Mr. Rae: It is an abuse of process and the minister knows it.

Hon. G. W. Taylor: It is not due process. The leader of the third party says it is an abuse of due process.

Mr. Speaker: Never mind the interjections.

Hon. G. W. Taylor: It is very hard to answer questions on such a very emotional issue. Many participants are very heated on this subject, be they from one spectrum or the other. It is very difficult to have these continual emotional questions put when I am trying to answer them with a straight feature of the law, as I understand it.

There are enough lawyers in this House. I believe all three questions today came from lawyers. I am sure they all understand the questions in law, although there will be three different opinions since there are three different lawyers. I am trying to present the facts as they are, how we see them and how we deal with the law.

Mr. Sweeney: Mr. Speaker, here is a question from a nonlawyer. As the Solicitor General rightly points out, the law of Canada, which the government of Ontario is bound to uphold, clearly says a legal abortion in this country and in this province can be carried out only in an accredited hospital—in Ontario, one that is recognized by the Minister of Health (Mr. Norton).

Since that is not being done and since there seems to be some difficulty in the police carrying out their responsibility, can the minister advise me why a group of private citizens is being denied the right to seek an injunction to close that clinic?

Hon. G. W. Taylor: Mr. Speaker, I am not aware of a group of private citizens being prevented from seeking an injunction to close the

clinic. If the member will inform me further on that, I may possibly answer the question. I am not aware of that group.

2:20 p.m.

Mr. Sweeney: To assist the Solicitor General, he is probably well aware that the Attorney General said he would not help—

Mr. Speaker: Order, please.

ROLE OF PROVINCIAL AUDITOR

Mr. Peterson: Mr. Speaker, is the Deputy Premier aware of what happened in the standing committee on public accounts this morning, when the member for Lakeshore (Mr. Kolyn), a member of that committee, tried to censure the Provincial Auditor for remarks he made on a television show with respect to the carrying-out of his duties?

After this discussion, tribunal or investigation into his remarks this morning by the Tory majority, the auditor was quoted as saying that if everything he said was to be subject to dissection by certain members of the committee, he would be less than honest if the actions of the Tories did not make him more cautious about public statements.

Does the Deputy Premier not feel he has a responsibility not to muzzle the auditor? Why would he not have a discussion with his back-bench members of that committee to make sure they are not stifling that very important instrument of this body?

Hon. Mr. Welch: Mr. Speaker, there were three questions. The answer to the first two is no. As far as the third question is concerned, I do not feel the auditor needs more than the legislation that has put his office in place. He is a servant of the Legislature. I would not think he would feel any inhibition in the discharge of his responsibilities, which are clearly set out by the legislation of this place.

Mr. Peterson: The Deputy Premier is uninformed of the facts. Let me recall another discussion in this House with respect to an independent auditor's investigation into Ontario Hydro. In response to a question from my colleague the member for Renfrew North (Mr. Conway), the Treasurer (Mr. Grossman) said it was unfair for that member or anyone else to suggest there was a Tory-majority conspiracy directed by this government to prevent such an investigation. That is what the Treasurer said.

Mr. Speaker: Question, please.

Mr. Peterson: Is the Deputy Premier aware that the auditor said the Tory majority did curtail

the nature of the investigation to some extent? How does the Deputy Premier reconcile the two statements? Here we have the auditor saying he is being stymied by the Tory majority and is now feeling intimidated in speaking out on these matters.

How is the Deputy Premier going to prevent the auditor's work from being stifled? How is he going to maintain the integrity of the position that his colleagues are trying to destroy? It is a very important question, going to the very root of the functioning of this parliament.

Hon. Mr. Welch: There is a tremendous importance attached to the role of the auditor. I have no evidence that anyone on this side, either singly or in a group, is attempting to interfere with the auditor's discharge of his responsibilities.

Mr. Wildman: Mr. Speaker, does the Deputy Premier feel it appropriate that the majority on the committee should have curtailed the auditor's investigation of Ontario Hydro, as he said this morning did happen? Does he feel that is an appropriate function of the majority on the public accounts committee, which is charged with surveying the expenditure of public funds in Ontario and ensuring there is not waste? Does he not believe that committee should exercise its mandate and encourage the auditor to investigate waste of public funds wherever and whenever it may occur?

Hon. Mr. Welch: Mr. Speaker, it is very unfortunate the question is not being placed in full context. The committee is completely in charge of its own operations. During the time I have been here, the Legislature has functioned through its standing committees, and the committees have every right to take whatever decisions they want to take. I am not aware of any evidence showing the majority on the committee has attempted to interfere with the auditor in the discharge of the responsibilities clearly set out in the act from which he gets his authority.

Mr. Peterson: There is evidence from the auditor's mouth himself that the Deputy Premier is wrong. He says his work has been curtailed by the Tory majority and he is going to feel less able to stand up and speak independently without going through this kind of inquisition. The evidence is there, whether the Deputy Premier knows it or not.

As the senior member of the government here today, would the Deputy Premier personally investigate this matter in discussions with his own back-bench members of that committee and report back to the House tomorrow morning on

what he is going to do about it and where his government stands? His committee members may have been running out of control, and I will respect it if he comes back here and tells us that he and the Premier (Mr. Davis) have instructed them not to curtail the auditor's activities. Surely the Deputy Premier owes that to this parliament.

Hon. Mr. Welch: I think we might approach this from two points of view. First, I do not know how any standing committee of the Legislature could interfere with the auditor, whose mandate and responsibilities are clearly set out in legislation. It is through the legislative mandate that he has his responsibility.

I would also remind the Leader of the Opposition that if he rereads the auditor's report overnight, which has just been sent to the standing committee, he will find the auditor was very positive in indicating, as far as he was concerned—and I think I am almost quoting from the report—he had received all the information and explanation he requested as part of his annual audit. He says that in his report.

Mr. Sargent: Mr. Speaker, on a point of order: Are we to understand the members of the government have the right to stonewall the opposition?

Mr. Speaker: Order.

Mr. Rae: I wanted to listen to that, Mr. Speaker.

FAMILY LAW REFORM

Mr. Rae: Mr. Speaker, I have a question for the Deputy Premier and Minister responsible for Women's Issues. Given the extraordinary answer in this chamber by the Provincial Secretary for Justice (Mr. Walker) on the vital question of family law reform, how can we draw any other conclusion from this whole fiasco with respect to family law reform and the Tory cabinet than the following: There has been a draft document circulating that has been vetoed and scuppered by the right wing of the Tory party prior to the Tory party convention in January, and that is the reason this legislation has not been forthcoming in this session, as was promised on many occasions by the Attorney General (Mr. McMurtry)?

Hon. Mr. Welch: Mr. Speaker, in a phrase, that is all nonsense. There is absolutely no question but that it is absolute nonsense. This party and the government stand committed to making improvements with respect to family law reform. The House has the commitment of the Attorney General and my commitment. In the

consultative process, which has taken longer than we anticipated, there is no question of anyone on this side of the House scuttling anything. We stand committed to improving the whole question of family law, as was indicated by the Attorney General some weeks ago.

Mr. Rae: We have headlines here. It has been indicated for years by the Attorney General. The indications are there. It is not indications we want; it is the bill.

Mr. Speaker: Question, please.

Mr. Rae: If the explanation is not the one I have given, what is the explanation for the delay?

Hon. Mr. Welch: This party makes no apologies for being a consultative administration. I think that has to be one of the strengths of this party, about to enter another decade of success. Let us wait until 7:30 tonight to see just exactly what is going to happen as well. I think that will be some indication.

Political decision-making is finding some type of balance in all these matters. We stand by our commitment. The member's interpretation is absolutely false.

Mr. Peterson: Mr. Speaker, how can the minister say there is no bill when his colleague the parliamentary secretary to the Attorney General, the member for Carleton East (Mr. MacQuarrie), said yesterday there was a draft bill and it was being circulated.

Hon. Mr. Walker: Did he say it to you?

Mr. Peterson: That is what he said.

Mr. Speaker: Question, please.

Mr. Peterson: Is the minister accusing him of telling a lie? Is he telling us his parliamentary secretary in that area has not been informed? Who is telling the truth, you or him?

Hon. Miss Stephenson: You or he, for goodness' sake.

Mr. Speaker: The grammar lesson will come later.

Hon. Mr. Welch: I was at the meeting with the parliamentary secretary to the Attorney General and many others, and we listened very intently to the representations made by the coalition. I thought he was very fair in his answers as he explained the process. It is not a matter of who is telling anything else, except to reinforce the commitment of this particular administration to further improvements with respect to the whole question of the distribution of family property on the dissolution of marriage.

2:30 p.m.

Mr. Rae: How can the Deputy Premier explain the fact that in the minutes of the House leaders the question of family law reform was discussed? The statement was made that something would be forthcoming by the end of the session. We had a clear indication from the Attorney General countless times, to no less a source than the Toronto Star itself, saying it was imminent and the legislation was there.

We had a clear indication yesterday from the leader of the dinosaurs himself, the Provincial Secretary for Justice (Mr. Walker), the leader of the right wing in the cabinet, saying there was no such proposal, that there was not one proposal but there were several proposals.

Mr. Speaker: Question.

Mr. Rae: That means family law reform has been scuttled by the dance of the dinosaurs across the way prior to the Tory convention. Why did the minister lose his courage on the way to the Tory convention over family law reform?

Hon. Mr. Welch: That is absolute nonsense and the member knows it in his heart of hearts. The greatest example of his commitment to women's issues is the frustration and the filibuster he made with respect to Bill 141, denying women in this province what they are entitled to.

Mr. McClellan: Where is the bill? We have not seen it on the order paper.

Interjections.

Mr. Speaker: Order.

Mr. Rae: Mr. Speaker, on a point of order: It is a physical impossibility to filibuster a bill that has not been called. If the minister wants to debate it, he should call it.

Interjections.

Mr. Speaker: Order.

Interjections.

Mr. Speaker: I am going to adjourn the House for 10 minutes.

The House recessed at 2:31 p.m.

2:41 p.m.

Mr. Speaker: I believe we were at the point where we were going to have a new question from the member for Sudbury East.

Mr. Martel: I notice we had a 10-minute penalty without even any high-sticking involved.

EMPLOYEE HEALTH AND SAFETY

Mr. Martel: Mr. Speaker, I have a question for the Minister of Labour on a rather complex

issue. I wonder whether the minister is aware of the following:

On April 2, 1984, Falconbridge purchased radioactive scrap metal, which was for processing in its Falconbridge smelter; the purchase was licensed by the Atomic Energy Control Board. The material contained 11 per cent nickel and seven per cent uranium, or 21,000 pounds of uranium. Content of seven per cent uranium is three times higher than they are mining at Elliot Lake. The company did not notify the union or the workers of the radioactive nature of the material, nor did it provide any protective clothing or safety equipment to the workers.

Mr. Speaker: Question, please.

Mr. Martel: I am coming to it. This is very important.

The company took no special precautions to handle or process the material.

Can the minister indicate what action he intends to take against Falconbridge, since the company violated the Occupational Health and Safety Act by failing to advise its workers that the material was hazardous, by failing to take special precautions when handling the material or to provide protective equipment, and by attempting to process this material secretly when even the medical staff did not know what precautions to take?

Hon. Mr. Ramsay: Mr. Speaker, I am not aware of the circumstances the honourable member is describing, nor can I recall this matter being brought to my attention by the workers or the trade union in question. If it had been brought to my attention, I assure the member I would have investigated it quite some time ago. I am really surprised this happened a number of months ago and nobody has seen fit to complain officially.

Mr. Martel: Dr. Aitken was in to do some of the testing.

Is the minister aware that Falconbridge in its cutbacks eliminated the job of the person responsible for identifying hazardous materials; that the members of the Sudbury Mine, Mill and Smelter Workers Union took Geiger counter measurements of radioactivity that ranged from nine to 14 millirems; that the workers at Pickering who are doing the retubing and who are exposed to three millirems an hour are equipped with special clothing; and finally, that the dust from the pellets, which went on to the beams, when tested four or five months later, tested beyond the regular ground levels for this material?

Since there are no safe levels for uranium exposure, since uranium dust is a chemical hazard to kidneys and since nickel dust is hazardous, what measures is the minister going to take to determine whether anyone was affected by either exposure or dust inhalation? What is the ministry going to do to ensure other companies cannot bring this type of material in when the workers do not know it is there and do not know how to handle it?

Hon. Mr. Ramsay: In the interval of time since the original instance happened, as described by the member, I have had mounds of correspondence with the union in question on various matters and I have been in that company and I have held meetings with the union on various matters, but this was never brought up in any of those meetings or in any of the correspondence. Therefore, I am not at all familiar with the problem.

I certainly commit myself to looking into it immediately, as I do with all these matters once they are brought to my attention. I am not in a position to visit every work site in the province and to know what is going on at every work site.

Mr. Laughren: Mr. Speaker, when the minister does investigate this whole matter—and I hope he will do so and not blame the workers, as he seemed to be doing just a minute ago—will he look into the whole attitude of Falconbridge, which was prepared to dump the radioactive waste into slag heaps, which are a source for slag that is used on roads and driveways in the Sudbury area?

Can the minister tell us how this material is going to be disposed of? There are still 200 barrels of material there. If it were not for the union, the company would have dumped it on the slag heap and it would have been spread throughout the community.

Finally, since 148 barrels of the radioactive material have already been used, can the minister tell us whether the nickel, the precious metals or the cobalt that was removed from those 148 barrels, which were contaminated, is being used to produce spoons, chair legs or any other products?

Hon. Mr. Ramsay: Mr. Speaker, the members from the Sudbury district have been providing me this afternoon with one perspective on the problem. I would like to get all the perspectives on the problem, and I will do so. If appropriate action is required, I assure the members it will be taken, but first I have to establish the full context of the problem.

APPEAL OF SENTENCE

Mr. Edighoffer: Mr. Speaker, because of the prolonged absence of the Attorney General (Mr. McMurtry), I will direct my question to the Provincial Secretary for Justice.

On Christmas Eve three years ago a man by the name of Raymond Rueger became angry that the stores had closed before he had done his Christmas shopping. Consequently he took his frustrations out on a 33-year-old St. Marys woman, Marilyn Arthur, by forcing her car off the road, murdering her and leaving the woman to die in the ditch by the side of the road.

The man was initially convicted of first-degree murder in September 1982 by an Ontario Supreme Court jury. His conviction was changed last month to second-degree murder by the Ontario Court of Appeal and, as a result, a 25-year term with no parole may be reduced to a 10-year term with parole on the grounds that the man was under the influence of alcohol.

Is it not time the provincial secretary and the chief law officer of the crown became concerned about the way the laws of this land are manipulated? Will he personally look into this case and appeal the reduction in sentence?

2:50 p.m.

Hon. Mr. Walker: Mr. Speaker, I am familiar with this case only in the sense of the newspaper coverage when it happened and during the trial a couple years ago. That is my only knowledge of the case; I do not have any knowledge beyond that. However, I will pass along the honourable member's concerns to the Attorney General.

It is, however, the right of any individual under certain circumstances to appeal sentences, whether the appeal be by the crown attorney appealing the degree to which a sentence has been rendered or by the person convicted. Presumably in this case, the convicted person has appealed and the judges of the Ontario Court of Appeal have seen fit to reduce the sentence to second-degree murder. It is the right of a person at any time to appeal and to have the case rendered.

I cannot offer the member an opinion on the specifics of the this case. It would have to be looked at by the crown law officers to determine whether any further appeal would be warranted.

Mr. Edighoffer: Just to be a little more specific, Mr. and Ms. Arthur, the parents of the victim, stated in a letter to me earlier this week: "What must the police, jurors, detectives and many others on this case feel now? It makes a

mockery of a trial." They went on to say: "The people of St. Marys and district are very appalled and angry at this happening. What safety will there be for our grandchildren?"

Does the minister not agree that what is disturbing about the verdict of the Court of Appeal is that many people now will feel, according to our laws, the drunker a person is, the greater the chances are that a lesser conviction will be registered?

Hon. Mr. Walker: That might be a conclusion that some might draw. There might be other circumstances here that would warrant a different opinion. In any case, I think it is appropriate for the crown law officers at least to look at the matter and consider the information the member has brought to us today and the question he has raised. I will see to it that this happens.

Hon. Mr. Wells: Mr. Speaker, I wonder if we might revert with agreement to statements. The Minister of Education (Miss Stephenson) has a statement she would like to make.

Mr. Speaker: Do we have unanimous consent to revert?

Agreed to.

STATEMENT BY THE MINISTRY

FRENCH EDUCATION LEGISLATION

Hon. Miss Stephenson: Mr. Speaker, later today I shall be introducing a landmark bill with respect to the governance of French- or English-language schools and classes under part XI of the Education Act. The legislation applies to boards of education and to urban, county or district combined Roman Catholic separate school boards.

The bill provides for the governance of French-language schools and classes by elected French-speaking trustees, who would qualify for minority-language educational rights under section 23 of the Canadian Charter of Rights and Freedoms. While the legislation is written in terms of French-language schools and classes, it applies equally to English-language schools and classes.

The bill further supports the government's commitment to guarantee the right of every French-speaking pupil in Ontario to an education in the French language. It also guarantees the same right to every English-speaking pupil in Ontario in a minority-language situation.

Over the years, this government has achieved steady progress in the provision of French-language education. This bill marks yet another significant step forward. It provides, for the first

time, for direct control by elected trustees representing the francophone community of schools and classes where education is provided in French for French-speaking pupils.

Throughout the 1970s, the issue of governance of French-language schools and classes became one of increasing discussion. The concept of electing a group of trustees on the basis of language, regardless of education tax support, was first proposed by the government in 1979 in a document entitled Education Green Paper, Government Statement on the Review of Local Government in the Regional Municipality of Ottawa-Carleton.

This concept formed the basis of a report prepared in the spring of 1982 by a joint committee representative of the French-language community in this province and the government.

As a result of the report of the Joint Committee on the Governance of French-Language Elementary and Secondary Schools, a discussion paper was published on March 23, 1983. In the discussion paper the government indicated it was prepared to take positive action on the majority of the major recommendations of the joint committee.

In December 1983, I introduced a bill which included a commitment regarding the right of every French- or English-speaking pupil to receive an education in the pupil's first language. That bill also contained legislation to effect a resolution of disputes over the provision of French-language education by school boards.

The successor to that bill, now identified as Bill 119, has been the subject of positive debate and support in this session of the Legislature and it achieved third reading yesterday. At the request of the boards that probably would be affected by the proposals in the discussion paper concerning the governance of French-language schools and classes, the government delayed action until a committee of trustees, representative of all the affected boards, had an opportunity to propose alternative approaches to governance.

After due consideration of the report of the trustees' committee to the government in February 1984, and after consultation with those school boards and francophone associations—a process that also involved both the Premier (Mr. Davis) and the minister responsible for francophone affairs—the government developed the legislation proposed in the bill to be introduced later today.

This bill is introduced to allow widespread consideration of the legislation during the recess. It is the commitment of this government to

reintroduce the bill as a high-priority item at the earliest opportunity in the spring so that it may become law in time to affect municipal elections in 1985.

ORAL QUESTIONS

(continued)

ENVIRONMENTAL PROTECTION

Mr. Rae: Mr. Speaker, I have a question for the Minister of the Environment. It also deals with the area of promises unkept by this government.

The minister will know he was quoted in August 1984 as stating he would be bringing forward legislation to increase the fines under the Environmental Protection Act to bring them to a level that would act as a realistic deterrent to the volume of pollution in Ontario. Can the minister explain why no such legislation has been brought forward by the government?

Hon. Mr. Brandt: Mr. Speaker, as the leader of the third party is fully aware, this House has had a rather full agenda over the course of the past few months. As a result, we have not had a time frame in which to introduce the legislative and regulative changes mentioned by the honourable member.

So there will be no misunderstanding on the member's part, I want to reconfirm in the most sincere fashion possible that I am irrevocably committed to a change in the regulation that would allow for an increase in the fines somewhat comparable to the rate of inflation since the last change was made. We are still committed to that and it will come forward at the earliest possible opportunity.

Mr. Rae: This is the government that thinks a determination of what the official tree of Ontario should be is more important than the protection of the environment. That has been its legislative priority since last year.

Mr. Speaker: Question, please.

Mr. Rae: Since March, the minister has been in possession of the Peat Marwick report, which was a devastating indictment of the level of fines and which said the level of fines was nothing more or less than a licence to pollute in Ontario.

Given the worldwide concern about problems of environmental pollution and the need for environmental protection, why did the government not find the time to introduce legislation with respect to protecting the environment, when it managed to bring forward legislation designating the white pine as the official tree of Ontario?

3 p.m.

Hon. Mr. Brandt: I find that an extremely narrow and focused question in the sense that I know the leader of the third party is aware other mechanisms are available to this government to protect the environment that go well beyond simply levying fines.

On a number of occasions in this House and outside this House, I have said it is quite proper and very possible to reach agreement with companies whereby they voluntarily agree to improve some of the environmental abatement programs that are necessary in their operations.

The Niagara report was released in this House not more than a few weeks ago. It indicated that, at that time, conditions in Ontario were quite superb when compared with other jurisdictions. It showed there were very few problems not being addressed; it also showed we were so far ahead of other jurisdictions that it caused some embarrassment over there.

The reality is that the only questions the members could ask were about the state of New York and other jurisdictions. The province is in good shape, and I intend to see it continues to be.

Mr. McGuigan: Mr. Speaker, does the minister not think the cutbacks in the federal environmental outlays and his refusal to bring in a change in the amount of fines to back up his environmental system are sending the wrong signal to people in Ontario, in the rest of Canada and in the United States? Is he not sending the wrong signal to the polluters?

Hon. Mr. Brandt: Mr. Speaker, not at all. During the course of the past year, my ministry has increased by twofold the number of fines it has assessed across this province, indicating one cannot in any way degrade the environment of this province without suffering the consequences.

Second, in regard to the federal cuts, the honourable member will be pleased to know the federal minister has reintroduced the herring-gull egg monitoring program in her budget; it will continue. The cuts that were identified earlier are now not going to take place to the same extent as it was earlier understood.

ABORTION CLINIC

Mr. Williams: Mr. Speaker, I have a question for the Provincial Secretary for Justice with regard to the operation of the illegal abortion clinic at 85 Harbord Street in the city of Toronto.

On December 4, the Attorney General (Mr. McMurtry) rose in the House to give the reasons

he was appealing the Morgentaler decision. He stated in part:

"My responsibility as Attorney General relates primarily to the conduct and supervision of proceedings after they are initiated by others. Police officers are entitled to the legal advice of my crown law officers in considering the legal and public interest implications of a contemplated prosecution.

"I have...no power to prevent a police officer or, indeed, any citizen from proceeding before a justice of the peace to seek the commencement of a criminal prosecution so long as it is supported by reasonable and probable grounds."

Mr. Speaker: Question, please.

Mr. Williams: Given that, and given the fact that serious allegations have been made in the media today, as referred to earlier in question period, that someone from the office of the Attorney General had intervened to stop a raid on the clinic by the chief of police and his law officers; given that serious allegation and the apparent contradiction—

Mr. Speaker: Question.

Mr. Williams: —and given one more fact, that the Solicitor General gave us second-hand information at best—

Mr. Speaker: Order. Will the member place his question, please?

Mr. Williams: —as to whether there is a conflict, will the minister impress upon his line minister, the Attorney General, to be in this House tomorrow to give two assurances to this House personally; namely, that there was no interference either by himself or any of the officers of his ministry—

Mr. Speaker: Order. Will the member resume his seat, please.

Would the provincial secretary ensure the attendance of the Attorney General in the House tomorrow?

Hon. Mr. Walker: Mr. Speaker, you have to be kidding. I will certainly draw it to the attention of the Attorney General's office and would hope the message can be conveyed to him. I believe he is out on the land these days. I will have it communicated to him that his presence is requested.

Mr. Williams: The supplementary is the remainder of the question that I was prevented from asking, and that is whether he will be here to assure the House personally that neither he nor any of the officers of his ministry did intervene as suggested in the news story. Second, will he give the assurance that he will immediately—not next

week or next month, but now—invoke the full power and authority of his office to assist the chief of the Metropolitan Toronto Police to carry out his responsibilities in laying a charge against the operators of the illegal abortion clinic to stop them from carrying on their criminal activities?

Hon. Mr. Walker: I will certainly communicate the message as indicated, but I must remind the honourable member the notes of the statement given at the joint press conference with Chief Jack Marks of the Metropolitan Toronto Police and John Takach, Assistant Deputy Attorney General and director of criminal law, indicate, and I quote:

"There is absolutely no truth in any suggestion that there are any differences of opinion between the force, as represented by the chief, and the crown law officers. There is absolutely no truth in any suggestion that there has been any political squabbling or political interference or anything of that nature involved in this case."

That is the information from a statement given today at a joint press conference with Chief Marks and Assistant Deputy Attorney General John Takach, and I cannot add to or subtract anything from those comments.

Mr. Laughren: Mr. Speaker, would the Provincial Secretary for Justice, either before or after he talks to the Attorney General, also tell this House his understanding of what an acquittal means?

Hon. Mr. Walker: Mr. Speaker, I do not think we need to answer that kind of question.

ACTIVITIES OF POLICE

Mr. Elston: Mr. Speaker, I have a question for the Solicitor General. He will recall that on June 7, 1984, my colleague James Breithaupt, QC, the former member for Kitchener, requested some information from him with respect to Mr. Jack Ellis and some allegations regarding an arson and insurance fraud scheme then under investigation by the Ontario Provincial Police anti-rackets squad. As the Solicitor General will recall, they were following up on an investigation by the Belleville OPP that had been discontinued.

Mr. Speaker: Question, please.

Mr. Elston: Mr. Speaker, I am just setting out the circumstances.

Mr. Speaker: I think we are all familiar with it.

Mr. Elston: Will the Solicitor General at this time provide the answers to the questions raised by my colleague Mr. Breithaupt and by the

Leader of the Opposition (Mr. Peterson) as to why the Belleville OPP discontinued the investigation of this matter, and why there had been such a long delay in making a report on the matter under consideration?

Hon. G. W. Taylor: Mr. Speaker, I do not believe there was a delay. They were discussing the matter and there was a situation whereby they were putting more officers into that area. They were consulting with the crown attorneys on what was transpiring. There was also some information regarding the Ontario fire marshal's office, but I do not think it was anything other than the ordinary delay of carrying out investigations.

Mr. Elston: Can the minister provide the House today with a report as to the outcome of those investigations and what action is anticipated with respect to the filing of that report by members of the anti-rackets squad of the OPP?

Hon. G. W. Taylor: I am not sure whether there is anything I can provide to the Legislature. I shall refresh my memory on the matter and see if I can provide the honourable member with answers to those questions that were asked so long ago.

INDIAN BAND AGREEMENT

Mr. Wildman: Mr. Speaker, I have a question of the Provincial Secretary for Resources Development with regard to the lack of progress in having Great Lakes Forest Products reach an out-of-court settlement on the mercury pollution for the bands of Whitedog and Grassy Narrows.

3:10 p.m.

Considering the fact that Great Lakes has invested approximately \$33 million in a newsprint mill in Washington state, even though the company argued in 1982 that economic conditions were one of the major obstacles to reaching a mercury compensation settlement, and considering the fact that the provincial government has said it will cover any costs over \$15 million for compensation, why is it that one year after the federal government asked Great Lakes to make a conditional offer of settlement, we have yet to have an offer from the company?

Hon. Mr. Sterling: Mr. Speaker, I think it is important to note that while I do not defend Great Lakes in its settlement with the two bands involved, the Whitedog and the Grassy Narrows bands, it has invested some \$450 million in this province.

Finances are not really the consideration in the settlement of this issue. The settlement of this issue deals with the satisfaction by Great Lakes that it can in some way obtain a release of obligation after it makes a settlement.

Last May I spoke to the Honourable John Munro, who was then the Minister of Indian Affairs and Northern Development, and asked that he and I meet with Great Lakes and the two bands in order to try to resolve the problem and have Great Lakes put an offer on the table. Great Lakes still refuses to put an offer on the table.

In July this year I met with lawyers for the Indian bands, along with counsel from the office of the Attorney General, and since that date we have been waiting for the federal government to come forward with a named representative in order to negotiate a settlement.

Yesterday I talked to the Minister of Indian Affairs and Northern Development from Ottawa, the Honourable David Crombie, and he promised to give me an answer next Monday or Tuesday about who that person might be, in order to try to bring together the various parties to resolve this long-outstanding issue.

Mr. Wildman: Since the minister has mentioned the investment of \$450 million by Great Lakes in this province, it is also interesting to note that Great Lakes has received about \$51 million in public grants for renovating the Dryden mill. Is it not the case that both levels of government and the bands have responded positively to every request from Great Lakes and yet we still do not have an offer from that company?

Can the minister assure me that he and his federal counterpart will ensure we do have an offer? Does he not agree this has gone on too long? Is it not a fact that some of the \$33 million that went to Washington state should have gone to the bands?

Hon. Mr. Sterling: The last statement, concerning what part of the money goes where, is rather ridiculous.

Mr. Wildman: Oh, come on. It has been more than 10 years.

Mr. Speaker: Order.

Hon. Mr. Sterling: I cannot assure this House or the member opposite that Great Lakes will put an offer on the table. As I have said to this House before, it is a civil dispute between Great Lakes and the two bands.

I have one of two alternatives. I can wash my hands of the whole affair and say: "I am not going to be involved. I am going to let the whole thing

go the way of the courts. Let the bands sue Great Lakes." However, the matter has gone on for six years and the bands have not chosen to sue. They have not gone ahead with a suit.

My only reason for becoming involved in the issue is to try to bring Great Lakes to the table to present that offer, but we cannot force the company to do anything it does not want to do.

Mr. Reed: Mr. Speaker, surely the Provincial Secretary for Resources Development knows full well that he cannot wash his hands of this issue. This is the first time I have ever heard a member of the government say the government might consider washing its hands of the issue. Surely the minister knows it is his government and his government alone that must bear the moral responsibility for this fiasco, which has gone on for 14 years.

Is the minister going to set a time line on the solution of this problem, or is he not?

Hon. Mr. Sterling: Mr. Speaker, perhaps the honourable member did not hear what I stated. I said I was absolutely rejecting the notion that I would wash my hands of this matter. It is my intention to try to bring the parties to the table in order that an offer can be put forward. I make no apologies for that.

SUNCOR

Mr. Sargent: Mr. Speaker, I have a question for the Minister of Energy. I might say, on this second-last day of the House and perhaps of this whole parliament, that the minister was the coach of a losing team yesterday: Ontario Hydro against the members of the provincial parliament.

Mr. Speaker: Now for the question.

Mr. Sargent: His son was the star of the game, playing goal for Hydro. That is how hard up they are; they have to go down and get a young guy 12 years of age.

The minister was not party to the fiasco I am going to tell him about, but maybe with the hat he wears he will be able to give us some answers here. The issue of Maclean's magazine that is on the news stands now features the fact that McLeod Young Weir was very close to the Ontario Tory government. In view of the fact that McLeod Young Weir engineered the \$650-million Suncor purchase by the Ontario cabinet in this washroom deal—

An hon. member: Washroom deal?

Mr. Sargent: It is in the same offices and shares the same washrooms.

Mr. Speaker: Now for the question, please.

Mr. Sargent: In that \$650-million deal, it was entitled to a commission of \$6.5 million. The company did not take its commission, and I would like to ask the minister, why did it work for nothing on that?

Hon. Mr. Andrewes: Mr. Speaker, the member for Grey-Bruce (Mr. Sargent) always arrives at some very novel conclusions and, indeed, poses some rather novel questions to me on occasion.

I would say the outcome of the hockey game will simply prove once and for all that Hydro is under control.

I am not familiar with the article the honourable member refers to in his question. McLeod Young Weir did serve in the Suncor purchase as advisers to the government in providing the government with an estimate of the value of the shares of that corporation. I am not aware of the substance of the article nor am I aware of conditions arrived at with respect to the advice that was given, or of any fee that was charged or not charged.

Mr. Sargent: The minister will recall that Mr. Kierans was Deputy Minister of Energy. He was not available for our hearings at that point; he was visiting some friends in Newfoundland and could not show up.

After the deal was put through, he became head of McLeod Young Weir. So we have that firm turning down a \$6.5-million commission—

Mr. Speaker: Now for the question, please.

Mr. Sargent: —and this man comes in. Why? Did he make a deal beforehand to become president of this big company? It now handles all the government's financial dealings. Can the minister tell the House how many deals have been handled by McLeod Young Weir since Mr. Kierans became president, since the Suncor deal?

Hon. Mr. Andrewes: I have been around this Legislature only since 1981, but I am not aware that Mr. Kierans has ever served as the Deputy Minister of Energy. I assume that in his capacity as head of McLeod Young Weir he is now in a position to provide the kind of advice the government needs on occasion, and his expertise is sought out and appreciated.

3:20 p.m.

OHIP PREMIUMS

Mr. Cooke: Mr. Speaker, I have a question for the Minister of Health. Why is it that when a person in this province turns 65 he is not notified

that he is entitled to free premiums for the Ontario health insurance plan? Why does he continue to be billed for OHIP premiums after the age of 65 unless he fills out a form applying for a free premium?

Hon. Mr. Norton: Mr. Speaker, my understanding is that we receive notification from the federal authorities at the time individuals turn 65. That leads to their application for free premiums. I am not sure what problems the honourable member is referring to specifically. It is the first time it has been raised with me as a problem. I would be glad to check into the administration of it. If the member is aware of problems of a general nature or if he has a specific one, I would check it out for him.

Mr. Cooke: I do not have a specific problem. It is the general problem. We spoke with the ministry people at OHIP in Kingston and learned there is no notification given to OHIP and the computer is not programmed to deal with people who turn 65. Is the minister not aware that there are literally hundreds, if not thousands, of senior citizens in this province who are not aware that they are entitled to free premiums after the age of 65 and therefore are being billed for and are paying OHIP premiums? If they do somehow discover they are entitled to free premiums, they then have to apply for a refund.

First, with all the millions of dollars he spends on advertising, does the minister not think the program should be advertised? Secondly, since the computer is programmed so that when a person turns 21 he or she automatically pays his or her own OHIP premiums, why can we not just change the computer programs so that when someone turns 65 he or she automatically gets free premiums and does not continue to get bills.

Hon. Mr. Norton: As I said to the member, I am not at all confident his information is correct. My understanding is that we receive a computer tape from the federal authorities on a regular basis. There is a delay, I believe, so it does not arrive in our possession in time for immediate implementation. I will check that out for him if he wishes.

I very much appreciate his support for advertising on the part of my ministry. Should I decide some time in the next six months to embark on a major advertising program on the generosity of this government to the senior citizens of Ontario, I hope he will be as supportive at that time.

ASSISTIVE DEVICES PROGRAM

Mr. Haggerty: Mr. Speaker, I would like to direct a question to the Minister of Health. On

May 1 the former member for Hamilton Centre asked the minister when he would extend the assistive devices program to cover adults over 19 years of age. At the time, the minister said, "I expect it will be before the end of this session of the House."

Successive cases of need were presented to the minister during the following months. The most recent commitment by the minister, made in this House on November 13, was that "implementation will be under way before next summer." Why is the minister waiting so long, particularly since War Amputations of Canada will no longer be funding the provision of prosthetic devices after December 31 of this year?

Hon. Mr. Norton: Mr. Speaker, I welcome this question because it affords me an opportunity to correct the information in the latter part of that question, which is broadly believed across this province. It is true the War Amps had indicated their intention to terminate the funding of that program at the end of this calendar year. I have now in my possession a letter from them agreeing to extend that program until July of next year. I have given a firm commitment, based upon a commitment from this government, that the assistive devices program will be extended, commencing next July.

Mr. Haggerty: Mr. Speaker, as I understand the minister's reply, he is not showing the spirit of this Christmas season then, is he? We are going to be waiting and waiting for some response.

Mr. Speaker: Question, please.

Mr. Haggerty: I have yet another case for the minister which points to the urgency of the need to expand the program. A constituent of mine has been referred to the Ontario March of Dimes for assistance in obtaining a mobilized scooter costing \$2,195. Voluntary agencies cannot possibly continue to meet the needs of the hundreds of people needing assistive devices. Will the minister act now?

Hon. Mr. Norton: Mr. Speaker, I am afraid I cannot arbitrarily act now. I have indicated the commitment I have been able to give firmly to the people in need of this assistance. Since the member alleges I am not acting in the Christmas spirit, I can only say I am the Minister of Health and not Santa Claus.

MUSEUM LABOUR DISPUTE

Mr. Grande: Mr. Speaker, my question is to the Minister of Citizenship and Culture. Is the minister aware that negotiations between the

Royal Ontario Museum and the Ontario Public Service Employees Union have come to an impasse with management wanting to strip away the grid from the contract the workers have had for the last three years? Is the minister also aware that during the control year, last year, the Inflation Restraint Board came out in favour of maintaining the grid?

Is the minister further aware that, to maintain the grid, we are talking about only \$75,000 to \$80,000 in the life of a contract? Does the minister or the Royal Ontario Museum want to have a strike at the museum, the first strike in the history of that institution? If not, what is the justification for this refusal to bargain in good faith?

Could the minister indicate how the Royal Ontario Museum can be \$2.5 million in deficit and be in a state of tremendous financial crisis, but at the same time not be able to find \$70,000 for good working relations at that place?

Hon. Ms. Fish: Mr. Speaker, I certainly do not ever want to see strikes anywhere—I do not think anyone in the House does—and I believe that is the case with the workers, the members of the board, those in management and any of our agencies, such as the Royal Ontario Museum. My understanding is that negotiations have been proceeding. They have been in mediation. Discussions are continuing, and I understand progress is being made.

PETITIONS

ROMAN CATHOLIC SECONDARY SCHOOLS

Mr. Eakins: Mr. Speaker, I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario signed by 142 secondary schoolteachers from the great county of Victoria. The petition reads:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be

debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

Mr. Worton: Mr. Speaker, I have a similar petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario. It is signed by 84 staff members of the Guelph Collegiate and Vocational Institute; 46 staff members of the Centennial Collegiate and Vocational Institute; seven from Branch 10, a consultants group; and 52 staff members of the John F. Ross Collegiate and Vocational Institute.

Ms. Bryden: Mr. Speaker, in accord with my duty to present petitions from my constituents to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, I would like to submit the following petition:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;
3:30 p.m.

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

I have petitions from residents of the riding of Beaches-Woodbine and from residents of the riding of Riverdale, which is not represented in this House at the present time. I present them to you from these constituents.

Mr. Breauch: Mr. Speaker, I have a petition, which reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to the implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented, such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

This is signed by 42 constituents of the great riding of Oshawa.

Mr. Reed: Mr. Speaker, I have a petition which is identical to those previous petitions, with the exception that it is signed by the teachers of Georgetown District High School.

Mr. Gillies: Mr. Speaker, I have an identical petition signed by 32 teachers from the ridings of Brantford and Brant-Oxford-Norfolk.

Mr. Speaker: Just so the member for Essex South (Mr. Mancini) will not feel discriminated against, I felt his petition should be last because of its importance.

REPORT ON HUMAN RIGHTS

Mr. Mancini: Mr. Speaker, I have a petition, which reads as follows:

"Under standing order 33b, we, the undersigned, petition that the annual report of the Ontario Human Rights Commission for the fiscal year 1983-84 be referred to the standing committee on procedural affairs."

This petition has been signed by 20 members of the Liberal caucus.

SEVERANCE PAY

Mr. Haggerty: Mr. Speaker, I have two petitions. The first reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"We, the undersigned, former employees of Hart and Cooley Manufacturing Co. of Canada Ltd., Local 3952-6, request that an investigation of the Employment Standards Act, section 40 and subsection 40(a) be initiated by the employment standards branch,

"We, the undersigned, feel that we should have received our severance pay on termination from Hart and Cooley Manufacturing. We have not been dealt fairly with concerning our severance pay.

ROMAN CATHOLIC SECONDARY SCHOOLS

Mr. Haggerty: The second petition reads as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

This is signed by 93 petitioners.

REPORTS

STANDING COMMITTEE ON GENERAL GOVERNMENT

Mr. McLean from the standing committee on general government reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Community and Social Services be granted to Her Majesty for the fiscal year ending March 31, 1985:

Ministry administration program,
\$28,634,000; and adults' and children's services
program, \$2,481,200,700.

STANDING COMMITTEE ON REGULATIONS AND OTHER STATUTORY INSTRUMENTS

Mr. Sheppard from the standing committee on regulations and other statutory instruments presented the committee's report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill Pr8, An Act respecting the City of North York.

Motion agreed to.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Mr. Wiseman from the standing committee on social development reported the following resolution:

That supply in the following amounts and to defray the expenses of the Ministry of Colleges and Universities be granted to Her Majesty for the fiscal year ending March 31, 1985:

University support program, \$1,287,548,200; skills development program, \$647,269,400; and student affairs program, \$141,458,400.

INTRODUCTION OF BILLS

SECURITIES AMENDMENT ACT

Hon. Mr. Elgie moved, seconded by Hon. Mr. Drea, first reading of Bill 159, An Act to amend the Securities Act.

Motion agreed to.

Hon. Mr. Elgie: Mr. Speaker, I am pleased to introduce the Securities Amendment Act that will replace the existing provisions of the act relating to takeover bids and issuer bids.

The existing provisions contain technical clauses that have created difficulties. This bill represents the results of a review of the provisions that was commenced by the Ontario Securities Commission in 1982.

Although the bill replaces the existing code for takeover bids and issuer bids in its entirety, it maintains a commitment to the basic principles expressed by the 1966 Kimber report and inherent in the current legislation that all holders of the same class of securities be treated equally and that shareholders be given sufficient time to form a reasoned judgement as to whether to tender their shares.

EDUCATION AMENDMENT ACT

Hon. Miss Stephenson moved, seconded by Hon. Mr. Wells, first reading of Bill 160, An act to amend the Education Act.

Motion agreed to.

Hon. Miss Stephenson: Mr. Speaker, this amendment adds a new part XIa to the Education Act to provide for the governance of French-language schools and classes under part XI of the act where the number of French-language resident pupils of the board is 500 or more or represents 10 per cent or more of all the resident pupils of the board.

The legislation provides for the election of additional members to school boards, commencing with the 1985 school board elections. These additional members will have exclusive jurisdiction in respect of certain matters regarding the operation of French-language schools and classes. School board electors will be called upon to decide whether they wish to vote for these additional members or for the election of the regular members of the school board. The number of additional members to be elected will be determined by such factors as the size of the board and the number of French-language resident pupils of the board. It is anticipated that 43 school boards may be required to have additional members.

I remind the members that the bill contains similar provisions in respect of English-language schools and classes where the English-speaking pupils are in a minority situation.

These amendments incorporate many of the proposals with respect to the governance of French-language schools and classes that were set out in the discussion paper released by the government in March 1983.

3:40 p.m.

ORDERS OF THE DAY

CITY OF WINDSOR ACT

Mr. Newman moved second reading of Bill Pr24, An Act respecting the City of Windsor.

Third reading also agreed to on motion.

BARGNESI MINES LIMITED ACT

Mr. Williams moved second reading of Bill Pr35, An Act to revive Bargnesi Mines Limited.

Third reading also agreed to on motion.

CITY OF ST. CATHARINES ACT

Mr. Bradley moved second reading of Bill Pr40, An Act respecting the City of St. Catharines.

Third reading also agreed to on motion.

TOWN OF COBOURG ACT

Mr. Sheppard moved second reading of Bill Pr44, An Act respecting the Town of Cobourg.

Third reading also agreed to on motion.

CITY OF NORTH YORK ACT

Mr. Williams moved second reading of Bill Pr8, An Act respecting the City of North York.

Third reading also agreed to on motion.

House in committee of the whole.

THEATRES AMENDMENT ACT

Consideration of Bill 82, An Act to amend the Theatres Act.

On section 1:

Ms. Bryden: Mr. Chairman, clause 1(1)(a) defines "board" as "the Ontario Film Review Board referred to in section 3," which we will be coming to, but this definition is an opportunity for me to bring before the House our position on the amendments to the various clauses in this bill.

We have decided not to move any amendments to the clauses. We feel the bill is so flawed, because of the continuation of the Board of Censors under the new name, Ontario Film Review Board, and in several other respects, that we intend to vote against the bill unless it is substantially changed. We did vote against it on second reading. It is not that we are any less concerned about the problems of violent and sexually exploitive pornography than any other members in this House; it is simply that we feel the problem can be dealt with through a different route.

No party has a monopoly on concern for the rights of people—men, women and children—to have protection from and to protect themselves from pornographic exploitation that has a theme of violence or sexual coercion. It is a matter of balancing those rights against rights of expression guaranteed in our society by the Charter of Rights and Freedoms. It is also a matter of protecting ourselves and our communities from the tyrannies of unbridled censorship or unbridled freedom of expression.

Bill 82 is an effort to deal with this dilemma and we have found it wanting. The change of name in the section we are discussing does not in any way transform a censor board into a classification board, which is what we favour. We feel the route we propose for eliminating unacceptable violent and sexually exploitive material and hate literature from our society is

not that of bureaucratic fiat but the enforcement of clear prohibitions in the law fully subject to appeal and due process.

3:50 p.m.

We believe the law on obscenity and discrimination in the Human Rights Code against various vulnerable groups needs strengthening, but we propose that once that law is strengthened, we will not need a censor board to tell us what is unacceptable. A board would simply classify material according to that law and according to community guidelines. In this way, not only will we preserve our rights to legitimate freedom of expression and cultural expression, but we will also have a more effective way of controlling and eliminating the excesses that society abhors, and it will be part of our criminal law and human rights law.

Our main objections to Bill 82 are fourfold. First, the guidelines to determine community standards are not in the legislation. I know the minister has circulated a draft regulation to the parties setting forth the guidelines; it arrived on our desks today. During second reading we protested that we were debating a pig in a poke because we did not know what the guidelines were.

It is true we now have a draft of what the minister proposes, but we have to recognize that a regulation can be changed by an order in council any day of the week and therefore we have no guarantee the guidelines before us, even if adopted by cabinet tomorrow, will be in effect for any length of time.

We still think the guidelines should be written into the legislation and that this Legislature should have an opportunity to debate them. If I discuss the guidelines before this committee, I will be considered out of order because I will be discussing something that is not in the legislation. That is not a satisfactory way of dealing with this problem.

Our second reason for not supporting the bill is the continuation of a censorship board with arbitrary powers to prohibit or cut films and to extend those powers to videos and films sold at retail for home viewing. We are not opposed to the regulation of this kind of material or to the extension of regulation to videos and films for home viewing or for sale. However, we do not support the use of a bureaucratic, government-appointed censor board to do the regulating. We fear such censor boards pose too many dangers of thought control and control of political dissent.

That is why we propose an alternative route, a classification board that would be independent,

public and representative of the community; it would indicate which material conforms with the Criminal Code and the Human Rights Code. It would then be an offence under the Theatres Act for such material to be shown if it were classified as not available to the community, as containing child pornography or as not being suitable for people under 18.

We think the classification system can achieve those methods by referring to the three pieces of legislation. If materials were in violation of any of those three pieces, they would in effect not be shown. However, there would always be a right of appeal, and that is our third reason for opposing the present legislation. The original legislation presented to us had no right of appeal from decisions of the Ontario Film Review Board beyond an appeal to another panel of the board; there was no appeal to the courts.

The minister now has supplied the opposition parties with a proposed amendment that would provide for some appeal to the Divisional Court. I am glad he has listened to our arguments that we need due process of law and the right of appeal from a government-appointed board that meets in secret and that is not necessarily chosen by anybody except the government.

I am somewhat troubled, however, by the wording of the minister's amendment. We will get into this when he introduces it. It appears he is allowing an appeal to the Divisional Court of the board's "decision as to approval." This appears to indicate that he is not allowing an appeal on the question of the classification awarded to any piece of material or to any suggested cuts in any film or video that comes under his new board but only an appeal on the question of whether to ban it. We believe for whatever board has the regulatory powers in this field, whether it be the minister's board or a classification board, all decisions should be subject to appeal and due process of law.

Our fourth reason for opposing the bill is that we feel the legislation still gives the board powers that will enable it to harass producers and exhibitors of films and videos, and particularly, in the cultural field, small producers who perhaps have a film that is shown for only one or two nights. The legislation still gives the board power to seize their equipment as a means of enforcement. I believe one judge said in a recent case that the equipment had not committed the alleged offence; it was the producers. Why should expensive equipment be subject to seizure in this kind of law enforcement?

There are other areas of possible harassment. In clause (c), as set out in section 16 of the bill, the enforcers can take into account the fact that the producer or exhibitor has in the past indicated an unwillingness to comply with the law. It seems to me that kind of judgement on past actions should not be part of the assessment.

Last July, the New Democratic Party convention adopted a motion as to how we think this field should be dealt with. That was discussed on second reading at considerable length, but it does set forth the alternative route. It is a more honest way of approaching the regulation of the exhibition of movies and videos in our society.

The government appears to be giving what looks like a political answer to a community concern. It appears to be doing something, but it is doing it by very heavy-handed legislation that extends the power of a board that deals behind closed doors on the basis of standards that are set by regulation.

Our difficulty with the way the government is dealing with pornography is that it is pandering to public opinion and headline writers at the price of a more comprehensive solution to the violent or sexually coercive pornography that does exist in Ontario today. We certainly all recognize that it does exist.

4 p.m.

When the minister introduced the bill, he drew attention to the Decima Research study on the subject, one of the few polls that have been released to the public. Judging by its reports on about 1,000 interviews with randomly selected residents of our province, there is great public concern about this.

Whether the government's approach is the real answer or whether we should be looking at the cause of the commercial demand for this kind of material, perhaps the real answer to the flood of commercially exploitive material that degrades women, children, minorities and other vulnerable groups is a program of education to raise public awareness of the offence to human dignity caused by violent or sexually coercive pornography, especially as it affects women in their struggle for social and economic equality.

We also believe, and we expressed this in our resolution last July, that there should be fully funded school programs on human sexuality to emphasize responsibility, mutuality and the equality of all human beings. That sort of approach is what we would like to have seen, rather than the kind of legislation that is before us today, and that is why we are in effect saying:

"Let us not deal with this bill. Let us get rid of it and start over again."

Mr. Reed: Mr. Chairman, I will try to deal with section 1 in this debate. I would just like you to know that I am not going to deal with each individual clause; I think my position in opposition to this bill is very well known to the minister and to the Legislature.

To change the name of the censor board is truly a fraud, and I think the minister must agree with me. He has taken this censor board and doubled its powers in this bill. Now he is going to try to make the thing a little more palatable by saying, "We are going to call it the Ontario Film Review Board instead of the Ontario Board of Censors," when in fact it is now the Ontario Board of Censors in spades.

It is not the style of this minister to undertake a fraud of this kind with the people of Ontario. I feel genuinely upset that he would try to pull the blinds down and make it appear as if this bill were something a little less insidious than it truly is.

I am not sure whether it is parliamentary in committee to say that the government or the ministry is misleading the people of Ontario by changing the title of this bill. If it is, given my interest in staying here and listening to the debate as it goes on, I suppose I will have to withdraw it. It is nothing less than a misguiding of the citizens of this province if they think that all this bill provides is a film review board that subjects film and videotape to classification, because the minister knows it vastly expands the powers of the Ontario Board of Censors and makes it far more powerful than it is at present.

I know the purpose of the bill or the sum total of the bill is also intended to misguide the people of the province and pull the blinds down around Ontario so that we may all wrap ourselves in the provincial flag and say, "What decent, good people we are because we are not subjecting ourselves to this awful stuff." The awful stuff will come to the Ontario Board of Censors. The board will tell us what it is right and good and proper for us to see and what it is not right and good and proper for us to see, and because of that we will somehow be misguided into believing this material does not exist. I suggest this is a fraud and is misleading to the citizens of this province.

I also believe very deeply it is time that confidence was placed in all the citizens of this province to become their own censors through changes in the Criminal Code. We all know there is material being produced which should not be produced. Whether one is on one side of this

issue or on the other side of this issue, we all have a certain common ground of belief. The work should be done with the federal government through changes to the Criminal Code.

Deep down, the minister knows this bill will accomplish nothing. It will not attack the problem in any way, shape or form. He also knows it will probably exacerbate the problem, because anybody who wants to sell tickets or exploit publicity surrounding a particular film will inject some controversial item into the film and enter into a public debate as to whether it should be shown uncut in Ontario.

The title of this bill is fraudulent and the bill itself is fraudulent. I really think it is not in keeping with the character of the minister to support legislation of this nature.

Section 1 agreed to.

Section 2 agreed to.

On section 3:

Mr. Elston: Mr. Chairman, I have a couple of points to raise in relation to section 3. It was my understanding at one point during the deliberations in committee that perhaps we might have a consideration as to whether there would be a classification of films under the title of educational.

Perhaps some consideration might be given to whether there would be appropriate allowances made for those people in the professions of psychology or psychiatry who might be using certain films in therapies or even in terms of the use of films for presentations of educational material to groups assembled, particularly the types of groups or activities carried on at universities and about which we received a number of deputations from the faculty association of the University of Toronto and a couple of other places.

I would also mention the conversation I had with Liz Avison from the University of Toronto library, who was also concerned about the showing of material. Might I have some indication at this point from the minister about the results of the deliberations which had been indicated in committee would be made for those categories? Could he comment on the appropriateness of providing the university setting with the ability to use certain films, particularly when we consider the draft regulations we were handed and which might very well be used to eliminate a good part of the films generally used in therapy sessions, as outlined by one of the attendees at our committee, Dr. Sommers? If the minister might comment, I would be very

pleased to understand why no amendments are proposed.

4:10 p.m

Ms. Bryden: On section 3, I notice the powers of the Ontario Film Review Board do not make any distinction between regulating public and private productions. Certainly productions for commercial use should definitely be subject to regulation, but I question whether a production such as *Not a Love Story* by the National Film Board, which was produced for educational purposes, should be subject to the board.

I think my colleague from the Liberal Party was getting at this point, too. There are various kinds of educational productions, generally but not always produced by public bodies, which perhaps should be exempt from the powers of the board, or at least exempt from the requirement for prior approval. Most of them are not likely to be shown commercially or to large audiences. If anything was considered contrary to the Criminal Code, action could be taken afterwards without any great problem or damage being done to society.

Would the minister comment on the possibility that certain classes of films and videos that are shown for very limited showings of one or two days, that are not shown for profit or that are shown to small community groups, might be exempted by the board from being subjected to prior approval? The showings would be to fairly small groups and in nine cases out of 10 there would be no problem that the community would object to what was being shown. They might be very useful educational or cultural productions and exhibitions.

Prior approval is apparently required at the moment for everything, either by application or by actual viewing by the board. Could not exemptions be allowed? Would the regulations allow the board to exempt whole classes?

Hon. Mr. Elgie: Mr. Chairman, the issue is whether there will be some exemptions in the regulations. I do not think there is any doubt there will have to be in the area of education. We will be having meetings with the groups about the extent of it. The group that appeared before the committee has been in touch with us already and meetings have been set up with it.

I have had some discussion with Dr. Sommers and I expect we will be having more discussions with him and with other psychiatrists about the appropriateness of exemptions beyond the educational and therapeutic roles to the more commercial role in which he has expressed an

interest. That is something that requires further discussion.

Members of staff met with various art groups during the fall. I must confess we have not yet made any determination, but some consideration will be given to whether exemptions might be appropriate in some areas. However, I think the member is quite wrong when she says there always had to be prescreening of films for the art community. Those who have followed the course of events know the board has been very accommodating in approving those films by documentation, almost without doubt on every occasion it was asked for.

These are matters we will be looking at and we will have to delay proclamation of some sections of the act until those parts are dealt with.

Mr. Reed: I have to go on record as saying that the agreement of the minister to provide exemptions and so on destroys the case for censorship if one is on the pro-censorship side. We heard the case for censorship that said this material desensitized people and had an adverse effect on society and all that sort of thing. Now the minister is saying: "There are two or three classes of people. There are different kinds of people and some can see this material and some cannot."

Let me give another reason exemptions should not exist. Arguments were made about the damage to performers from this material. We talked about kiddie porn, sexual violence depicted in films and so on. Very serious concerns were expressed about that, some of which I expressed. The minister says, "Some of these films are educational," so now it is going to be all right. He knows the damage to the performers talked about has already been done.

Performing in a film is not third person, once removed. For someone such as myself it is the first person singular, or for my family the first person plural. It is a very personal thing. The minister is aiding and abetting the whole situation he is trying to control when he suggests one can say, "This film is considered pornographic or obscene and cannot be shown to general audiences because they are going to be affected, but it may be just fine as an educational tool."

Hon. Mr. Elgie: I appreciate the sincerity of the member's views and I am not going to respond in any way to the criticism that there is some fraudulent intent or some intent to mislead. I am not even going to ask the member to remove that from the record, because I think he feels so

strongly about this issue that he wants to speak out about it in a strong way.

Let me assure him it would be unusual for this member to find he was doing something he felt was misleading or fraudulent. He may have strong feelings about it; I have strong feelings as well. However, I am not going to let that enter into our discussion today.

There is no intention of exempting any area that would be involved in the obscenities the member and I are talking about, so let us not stray from the garden path here. We are talking about things that degrade women and exploit children. That is what we are all about and there is no way we are going to get into any game that involves exempting any group to have any privilege—if it is a privilege, and I do look on it as one—of having that material available to it.

Mr. Elston: This is a short intervention. I appreciate what the minister is saying. We want to reflect on films as they depict women and children. However, I hope we are dealing with people in all senses of the word, no matter what their sex or age.

I have been in areas where people have suggested they have seen degrading films about men as well as about women. I want to be sure the very important aspect of the film industry we are dealing with does not confine itself to women and children. Some steps have to be taken to ensure that sexual activity involving the degradation of people or persons—that is now the commonly used word—is what we are really getting at.

Hon. Mr. Elgie: I think the matters that have been dealt with by the board confirm that the interest crosses all those lines.

Mr. Elston: When will the regulations with respect to educational exemptions, etc., be available? Will there be an opportunity for us to participate in or be advised in any sense about the meetings? Earlier in our interventions in the debates on this bill, we pointed out that one of the problem areas was that some of the community standards being developed were not being done in public or by a committee of members of the Legislature.

We will not be involved in the private meetings that will go on between the minister and his staff and the members of the various groups. In that regard, I would like to indicate to him that we are interested in being advised and being participants in the development of programs and policies to be handled and applied by the film review board.

Perhaps the minister will comment on the means by which he intends to keep the members

of the Legislative Assembly involved in the development of the community standards, which would include the exemption areas. I would be pleased to have that information today.

4:20 p.m.

Hon. Mr. Elgie: I think the member will acknowledge that I have endeavoured to share information with the opposition that has not been traditional. It has always been assumed that the government's role is to govern and to deal with matters that fall under regulation in that way. But I did respect the opposition parties' interest in the regulations that were to be applied, and I did forward copies of the proposed regulations to them, asking for any comment they might have on them by a certain date.

With respect to the exemptions, frankly, we have not even made any decisions in any area on those. I certainly will give some thought to the member's request, but I cannot make any commitment at this time.

Section 3 agreed to.

On section 4:

Mr. Chairman: Hon. Mr. Elgie moves that section 4 of the act as set out in section 4 of the bill be amended by renumbering subsections 7, 8 and 9 as 8, 9 and 10 respectively and by adding thereto the following subsection:

"(7) A justice of the peace shall not issue a warrant under subsection 6 to enter any place actually being used as a dwelling unless the inspector satisfies the justice of the peace under oath that he has reasonable grounds to believe the place is used as a business premises occupied by a film exchange."

Hon. Mr. Elgie: For many years the definition of "exhibition" has been quite clear in the Theatres Act. I was rather surprised when one individual raised the possibility that the expression "exhibiting for indirect or direct gain" gave him serious concerns about the possibility of an inspector obtaining a warrant to enter a home where a film was being shown for some indirect gain that might come to the individual owner of that home.

During all the years the definition has been in place and movies have been shown in homes, there has never been an incident of anything like that. But I felt that to make it absolutely certain in the public's mind that this bill is not intended to allow entry into private homes to see what people are looking at, the issue of whether an inspector can get a warrant is confined to commercial distribution—in other words, operating a film exchange in one's home.

Ms. Bryden: I want to speak on section 4 generally, but we are dealing with the amendment at the moment.

Mr. Chairman: How would it be if we dealt with this motion and then came back to the member on the section as a whole?

Ms. Bryden: We did not carry section 4.

Mr. Chairman: No. This is just an amendment. Then we will come back and we can address it as amended. Shall we put the question?

Mr. Elston: I just want to ask whether there was any particular reason the minister stayed with film exchanges and did not deal as well with film depots and all those other sorts of things.

There could be a situation in which films could be considered to have been assembled or put together in a house as well. I presume the intent is really to indicate there have to be reasonable and probable grounds to believe the building is something other than a house. "Film exchange" and "film depot" are defined in the act. I just wonder whether there was any particular reason one was put in—I know the reason is distribution—and the other, "film depot," was not also included.

A film depot is described as "any building or premises in which film is assembled for shipment." Presumably, the question of whether a house is a film depot becomes subject to some kind of test of information assembled as well.

Hon. Mr. Elgie: The only thing I can gather is that film depots have never been matters that have been dealt with under this act, other than for health and safety reasons. That is what I am advised. If the member wants to stand that aside, I will be glad to get further information on it.

Mr. Chairman: Shall we put the motion?

Mr. Elston: Did the minister say he was going to get more information? I did not quite hear him.

Mr. Chairman: Shall we stand down the amendment then?

Mr. Elston: The member for Beaches-Woodbine (Ms. Bryden) has other comments on the section in any event, so perhaps that would be appropriate at this time.

Mr. Chairman: Fine. We will stand down the amendment for a moment and continue with section 4.

Ms. Bryden: Subsections 4(3), 4(4) and 4(5) provide the three stages of enforcement against what is considered an improper exhibition of a film or advertisement when action is to be taken.

I am not clear exactly what the process is under subsection 4(3). It says, "The inspector may, by

written order, direct that the projector, film or advertising, as the case may be, be turned over to the inspector." It does not say to whom the order is directed, whether it is to the distributor or to the operator of the projector. I think that should be clarified.

Also, if the order is not complied with, the premises may be sealed for 10 days, that is, the material cannot be removed. There is a question whether the seizing of the projector is a proper penalty. Particularly for a small operator, the projector can be a very expensive piece of equipment. It seems to me the penalty should be in the form of a fine or something of that sort, rather than the seizing of equipment.

These kinds of clauses have given the censor board a "hobnailed boots" reputation of charging in and seizing equipment without any opportunity for the person who is charged to take the matter to court. He can only appeal to the censor board. I do not think these measures should be in the enforcement procedures of the act. There should be the laying of a charge under the Criminal Code and due process, if necessary, not raids on art galleries, such as the A Space gallery, or on small exhibitors or small film showings.

Mr. Chairman: Any other comment on section 4? If not, is the minister ready to return to the amendment?

Hon. Mr. Elgie: I am advised by my staff that the depot refers only to a storage place. The concerns expressed under the act dealt only with the safety aspects of depots because they contained flammable film. They were monitored for fire safety and adherence to fire regulations. They have not been looked upon as places of distribution and they have never been treated that way.

With respect to the concern of the member for Beaches-Woodbine about inspectors, let me assure her that if she takes the time to look at the powers of inspectors under the existing act, she will see these powers have been reduced considerably, in line with what we perceived as acceptable in a free and democratic society under the Charter of Rights. I believe the powers set out in this act will meet the test of that charter.

4:30 p.m.

Ms. Bryden: I recognize they have been reduced. I would like to be assured that raids on exhibitors or small art galleries will not be the pattern or tolerated under this legislation, and that when there are charges laid under the law there is a right of appeal if there is a conviction.

Hon. Mr. Elgie: The member is not perceiving the role of the staff quite accurately. It is not a matter of a raid. It is a matter of making certain those covered by this legislation are in compliance with it. Set out are the standards about when they may enter, what people may do when they enter and what they may refuse to do. Upon refusal, the inspector then has certain options with respect to getting warrants. It is all set out very clearly.

As I said, I believe it will meet the test of the charter. I do not think the member is accurate in calling them raids. Some have used that word. Some have said they did that for their own purposes. There has always been a degree of concern about the behaviour whenever an entrance has been made or whenever there have been discussions about licensed premises.

Ms. Bryden: Speaking to the amendment, while I understand its purpose is to make it clear that the showing of films or videos in the home cannot result in a raid on the home or any sort of action against the showing in the home, I am troubled by the fact that clauses 4(2)(a) and (e) refer to any other premises where film is exhibited.

Could that not be a home? Clause (a) states, "to inspect...theatres, any other premises where film is exhibited," and the same with section (e), "to enter any theatre or other premises in which film is exhibited." Is there not a danger that could also be considered a dwelling?

Hon. Mr. Elgie: I have two comments with respect to the member's remarks. Justice Bernstein in the A Space art gallery decision emphasized the propriety of the conduct of the inspectors in that case. That has always been the kind of conduct utilized when they have been performing their duties under the act.

The act clearly states under subsection 4(5) that one cannot enter "a dwelling place without the consent of the occupier." Subsection 4(6) goes on to say that if there is no consent, and if it is on reasonable and probable grounds thought to be a distribution centre, then one has to get a warrant. I do not know what more one can do to make absolutely certain that the rights of the home owner in a dwelling are protected. We have gone to the absolute limits because of our great respect for privacy.

Motion agreed to.

Section 4, as amended, agreed to.

On section 5:

Mr. Elston: This section deals with the powers of licensing, the refusal to issue licences,

or suspending licences if certain orders are not complied with. This may be an appropriate time to raise the question of the licensing activity and how it will be handled by the ministry.

Concerns were raised, by distributors particularly, that some people might be refused licences in the initial phase of the operation of this bill because of prior problems with films they had thought were appropriate. This might be a good time to try to get the minister to indicate what the general policy of the ministry is going to be with respect to the drawing up of the regulations to provide licensing for the first time under this act.

As the minister knows, film distributors and operators of retail outlets are quite concerned that the allowing of a conviction to be obtained by the crown as a matter of convenience puts a criminal conviction on the record of distributors and film rental outlets. The regulations may have to deal specifically with that point when licences are first issued. I would like some comment at this time on whether that will happen.

The other area of concern about licensing is in relation to the regulations. How much is going to be charged for licences and how will the price be determined? When we consider the fact that some distributors have large volumes of material to distribute, while others are not so large, it may be interesting for us to hear what types of programs might be considered for the regulations the minister is currently having drafted.

Those are the concerns I have. The minister may not be able to answer them entirely now, but he might be able to provide us with some sense of direction about how licences are to be given out and how the price for licences is to be developed.

The Deputy Chairman: Does any other honourable member wish to participate? Is the minister going to respond?

Hon. Mr. Elgie: The director has been giving considerable thought to the whole matter of how that process will unwind. I gather her next step will be to have meetings with the distributors and with the retailers to try to work out some timetables that are reasonable and that still meet the requirements of the act, so we can get on with it. We will do everything possible to dovetail within a reasonable time frame.

The member raised the question of the issuing of licences and the past conduct of the people involved. That is a difficult one for me to answer without having a specific case before me. As the member knows, other matters are raised in this House where statements are made that perhaps the minister should have looked at who had invested some money in a hotel in a certain city or

who had had some association with some other enterprise.

The circumstances will vary from time to time. I can assure the member that is one of the reasons the act provides for an appeal to the courts in the event there is a rejection on a basis that the applicant deems not to be reasonable.

Ms. Bryden: Regarding the licensing provisions, I am sure the minister is aware that the—

The Deputy Chairman: Can I ask where the honourable member is? We are on section—

Mr. Wildman: Right over there.

The Deputy Chairman: I know. I cannot miss her. Are you on section 5?

Ms. Bryden: No, section 6, cancellation of licence.

The Deputy Chairman: Shall section 5 carry?

I would like to know where we are going so we do it in some form of system.

Ms. Bryden: This is section 5 of the bill. It replaces section 6 of the act and deals with licences.

4:40 p.m.

With regard to licences, I presume all retailers who sell films now are going to have to have licences under this act. I remind the minister that during second reading we discussed the problems of small convenience-store managers who sell a certain amount of this material and will probably be required to have licences. I am sure he is also aware that these store owners are required to buy municipal licences, particularly in municipalities such as the city of Toronto, if they carry things such as Penthouse, so-called adult literature.

These licence fees can be quite onerous on these very small retailers. I hope the minister will make the fees very nominal and perhaps have exemptions for very small stores that do not deal in these items to any great extent, because they can be quite a burden on them. As well, these particular store owners may not be as well acquainted with the law and with the requirement to have a licence; so I hope they will not be harassed. I hope they will be informed of what the requirements are and what they need to do to keep a licence in good standing.

As we mentioned on second reading, many newcomers to our country are unfamiliar with our judicial system and are very nervous about having charges laid against them. When we bring in something new like this, it is very important to inform them of what is being done and what its purposes are and to see that the licences are not a burden on them.

Hon. Mr. Elgie: I must thank the member for that comment, because it is a difficult problem and we have discussed it in the past. The paperwork involved in setting some sort of fee on a volume basis is so cumbersome for both the small businessman and our own staff that our goal would be to make the fee very nominal and to make certain that every effort is made to convey full information to the parties involved so they can handle it all with a degree of ease.

We did give some thought to the process the member is thinking about, but we eventually came to the conclusion that the paperwork involved in settling whether someone was or was not in a category justifying a certain fee would be very cumbersome for everybody, including the businesses involved, and it would be better to set a nominal fee and get on with it.

The Deputy Chairman: All those in favour of section 5 standing as part of the bill will please say "aye"

All those opposed will please say "nay"

In my opinion the ayes have it

Section 5 agreed to.

Sections 6 to 12, inclusive, agreed to.

On section 13:

The Deputy Chairman: Hon. Mr. Elgie moves that subsection 35(6) of the act as set out in section 13 of the bill be amended by inserting after subsection 5 in the first line, "As to classification."

Hon. Mr. Elgie further moves that section 35 of the act as set out in section 13 of the bill be amended by adding thereto the following subsections:

"(8) A person who has appealed under subsection 5 may appeal the board's decision as to approval to the Divisional Court in accordance with the rules of court, and where there is an appeal, the minister is entitled to be heard.

"(9) An appeal under subsection 8 may be made on question of law or fact or both, and the court may affirm or rescind the decision of the board and may direct the board to take any action that the board may take and as the court considers proper."

Hon. Mr. Elgie: We have given considerable thought to this amendment. After hearing the comments of members in the House and those of some members of my own party as well as representations made in the committee by those who presented briefs, I think it is an important issue and views on it are strongly held.

Out of respect for those who hold those strongly held views, although I was content with

the administrative procedure, I have decided this appeal to the court on questions of law or fact or both would be appropriate.

I know some will question the fact that the classification is not subject to an appeal. Frankly, we feel that is a matter that can be dealt with administratively by an appropriate appeal panel within the film review board.

Ms. Bryden: As I mentioned in my remarks on section 1, we feel all the board's decisions should be subject to appeal. I am glad the minister has listened to the opposition's comments and has moved in this area of a right of appeal to the courts. I believe the late member for Riverdale, Jim Renwick, would feel that was a very important concession by the government. His speeches in this field may have had something to do with convincing the minister that we need due process and a right to appeal all kinds of fiats by government boards.

I am a little concerned about subsection 3(9), which we have passed and which says, "Part I of the Statutory Powers Procedure Act does not apply to decisions made by the board." I do not know whether that clause is in conflict with allowing the Divisional Court to review the decisions of the board; not being a lawyer, I am not sure whether there is a problem there. However, we do not like having the board exempted from the Statutory Powers Procedure Act anyway. If it is going to make it more difficult to administer an appeal, we should revert and rescind the clause I am referring to.

Hon. Mr. Elgie: The fact that the Statutory Powers Procedure Act is not in place with respect to administrative appeals within the board does not in any way impair the right or the nature of an appeal to the courts.

The member should recall that rules of natural justice still prevail and have to be followed in any internal hearing held by the board. Parties have a right to be present and be heard, and the rules of natural justice have to be followed in all respects.

There is no doubt it would have no influence on the right to appeal or the nature of the appeal.

Ms. Bryden: Regarding the failure to include classification approvals in the right to appeal, does the minister not think a decision by the board that something should not be allowed to be shown to people under 18 is a decision of such substance that it should be subject to appeal?

Hon. Mr. Elgie: I am reminded of the words of Judge Borins in the judgement in which he spoke of how difficult it was for a justice of the court to review matters that were not ordinarily before him and were not part of his ordinary life.

Therefore, I say to the member that the issue of classification of films is going to be very difficult for a court to deal with.

Judge Borins said, "The judge, by the very institutional nature of his calling, is required to distance himself or herself from society for the purposes of the application of the test of obscenity and is expected to be a person for all seasons, familiar with and aware of the national level of tolerance...." I will not read the rest of it, because I read it into the record the other day.

The issue of classification is one that truly has to be dealt with at the administrative level. If there is some disagreement, an appeal to a panel that has not dealt with that particular film before is the appropriate route.

I am reminded that in committee the industry said it would not want to appeal classification to the courts. That was asked of them at the committee hearings.

Motion agreed to.

4:50 p.m.

Mr. Reed: I would like to ask the minister how he proposes to deal with the logistics that are obviously brought forward by the new section 35. Subsection 35(1) says "an application for approval to exhibit or distribute" has to "be made to the board" and the board has to view the film to approve it.

How is he going to process the thousands of videotapes that are in existence? Is he going to allow the seizure of people's stocks of videotapes, without charges being laid, as happened a week or 10 days ago? Is he going to allow the seizure of videotapes, as happened in my own riding to one store that was acquitted months and thousands of dollars' worth of expenditure later?

I am anxious to know how the minister proposes to handle the enormity of what he is laying down in the bill.

Hon. Mr. Elgie: First of all, I want to make it very clear that the incidents the member is talking about did not involve the theatres branch. As I understand it, in the matters he referred to, criminal charges were laid and the material was seized. The theatres branch does not have any control over the retailing of videos at the moment.

I believe, as the Project P squad said downstairs in our committee hearing, that the process we are involved in as legislators will make life a lot easier for video retailers, because they will know what they have and they will not be subject to those sometimes important mistakes that are made, sometimes without their know-

ledge. I suggest that most of them in the industry will welcome this move.

I do not dispute that there will be some complexities and that it will be some time before all of this can be put into place. Certainly that has been the experience in the United Kingdom, Sweden and the many other countries that are following the same approach. However, let me assure the member it can be done and we will endeavour to do it in a very respectful and productive way.

Mr. Reed: With respect, what is the minister going to do in the meantime? There is a quite substantial inventory of videotapes in Ontario in terms of titles. When this bill becomes law, how does he propose to deal with those?

Hon. Mr. Elgie: As I am sure the member will appreciate, a large number of the films being distributed in video outlets are films that have already been approved by the board in any event; so they can be dealt with in a very straightforward fashion.

In the meantime, we propose within the next two months to start the process at the distributor level. It is going to be a very time-consuming process; I do not dispute that. However, following the discussions the director has already had with the industry, both the retail distributors and the outlet people, I am confident we can achieve this. It will not happen overnight, however.

Mr. Reed: The minister is missing something. There is already an inventory, and a lot of the video renters carry thousands of what are classified as adult tapes. I also understand there are videodiscs, and while they have not captured a large proportion of the market, they are still on the market and new copies are being released. Since there is no way to edit videodiscs, what the minister is proposing is that the video-store owner will have to destroy his inventory if it does not conform.

Hon. Mr. Elgie: The member is correct if he is saying that when the video-store owner receives a daily document outlining the classification of films, the classification labels that should go on them and the films that are considered as beyond community standards, he will have to do something else with such tapes.

Section 13, as amended, agreed to.

Sections 14 and 15 agreed to.

On section 16:

Ms. Bryden: Section 16 is one of the offending sections that I mentioned in my opening remarks. It adds to the act, "where the applicant is a corporation and the past conduct of

an officer, director or shareholder affords reasonable grounds for belief that the applicant will not comply with this act and the regulations in carrying on the business of a film exchange."

How does the minister find out that the applicant or the officers are not likely to comply? Is this not judging a person before any charge is laid against him?

Hon. Mr. Elgie: The honourable member will be aware this is a common section that flows through many pieces of legislation, such as the Liquor Licence Act. I have discussed this in detail with the member for Huron-Bruce (Mr. Elston).

It is true that it is not going to be a straightforward matter where one simply plugs in a computer and indicates who shall and who shall not. One will have to look at the particular circumstances. That is exactly why the process in the bill provides for an appeal to the court in the event an individual is not satisfied with that process.

I hope the member will accept that the fact there is that appeal is a recognition that the individual does have this right in the event he feels the system has not treated him fairly.

Section 16 agreed to.

Sections 17 to 25, inclusive, agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Elgie, the committee of the whole House reported one bill with certain amendments.

5 p.m.

PRIVATE MEMBERS' PUBLIC BUSINESS

EMPLOYMENT SECURITY INITIATIVE

Mr. Lupusella moved, seconded by Mr. Stokes, resolution 41:

That, in view of the faltering economic recovery now occurring in Ontario and, in particular, the lack of new, real, long-term opportunities for young workers and older workers, this House supports an employment security initiative which:

Facilitates the replacement of imports with domestically produced goods and services. It should target those goods and services—everything from thumb tacks to computer-controlled machinery—and find ways of producing them locally;

Introduces programs such as early retirement with full pensions, shorter working time and paid educational leave, to allow workers to share in the benefits of new technology and provide younger workers with a way into the work force;

Rethinks the role of public sector job creation. At present there is too little work in the private sector and too much work to do in the public sector, especially in important but neglected areas such as programs to keep seniors independent, child care, recreation and culture, environmental cleanup and housing;

Relies less on the Financial Post 500 companies and more on new forms of production, such as community enterprises and co-operatives. Support should be increased for existing and new small businesses;

Guarantees every young person, under a youth employment and training act, the opportunity to participate in literacy, educational and vocational skills training, and brings the scattered fragments of the skills training system under a single legislative umbrella;

Reforms the provision of post-secondary-school education, apprenticeship and other vocational training to eliminate the redundancy, wasteful expenditure, bureaucratic complexity and inflexibility which characterize many current programs; and

Requires the payment of severance pay where the employment of an employee with one or more years' service is terminated and the termination is caused by the permanent discontinuance or reduction of all or part of the business of the employer at an establishment.

Mr. Lupusella: Mr. Speaker, with the greatest respect, I am going to use my 20 minutes. I hope I will find enough support for this resolution, because it is important to my constituents and I am sure it is important to people across Ontario.

There are more than 420,000 unemployed men and women in Ontario. As far as the New Democratic Party and myself are concerned, that is 420,000 too many. Obviously, the benefits from the province's so-called economic recovery are not trickling down far enough and wide enough. The situation is particularly demoralizing for young workers and older workers who see little or no long-term employment opportunities for themselves.

In my own riding of Dovercourt, an ever-growing number of unemployed people come to my constituency office seeking assistance and some assurances for the future. I see older workers who have given their working lives to a single employer only to find themselves on the street looking for work. Often their skills are uniquely related to one industry.

Many were counting on a company pension they will not have. Young people come to my

office who have been looking for work for months. How much longer must they wait for a job? Many of these people have exhausted their unemployment insurance benefits and must fall back on welfare, although they would prefer to work.

Today, I am asking the Legislature to make full employment the basic goal of Ontario's economic policy and to support my seven-point employment security initiative. Ontario imports more than \$35 billion of manufactured goods every year. The first initiative the government can take is in the area of import replacement. We must create jobs in our economy, in those industries and services for which we have a market in Ontario and in Canada, and where we now import goods from outside the country to fill the demand.

Canada is the third largest mining country in the world and we are the largest importer of mining machinery in the world. For example, in 1981 Canada imported \$727 million worth of mining equipment, a 229 per cent increase in five years. Our annual trade deficit is about \$600 million, a value of production equivalent to 7,000 jobs.

The high and growing level of import penetration in the resource machinery sector continues to act as a brake on the Ontario economy. It reduces the resource sector to one of simple extraction. Without significant government intervention, the level of import penetration will increase substantially in the future. We could create thousands of permanent, full-time, year-round jobs over the next 10 to 12 years in the mining industry alone by replacing worn machinery with mining machinery made in Canada.

Although it is unrealistic to expect to wipe out our trade deficits in this area in a short time, specific opportunities from open-pit mining equipment through classifiers to process furnaces can be developed. A resource machinery investment program would have the added benefit of providing new industrial opportunities in centres such as Sudbury, Timmins and Thunder Bay.

Health costs account for a substantial proportion of government expenditure, particularly the costs of health care products and equipment. Much of that spending is lost to the Canadian economy. In 1982, Ontario imported about \$325 million worth of medical products, resulting in a loss of between 12,000 and 14,000 direct and indirect jobs.

The rising level of food imports into Ontario is perhaps the clearest signal of serious problems in the agriculture and food sector. Between 1979

and 1983, food imports increased by 57.5 per cent and our trade deficit grew from \$500 million to almost \$750 million. Many of these imports could be replaced by domestic production.

For example, fresh and processed fruit and vegetables cost Ontario more than \$500 million a year. Forty per cent of these imports could be replaced by domestic production. The \$200 million worth of replaceable fruits and vegetable imports alone represents more than 9,000 jobs in crop production, processing and container manufacturing throughout Ontario.

This is true in other areas as well. For example, if Canada and Ontario do not act quickly, they will lose out in the development of the domestic software industry, which is potentially worth billions of dollars and is capable of providing hundreds of thousands of jobs. The revenues of the information processing industry worldwide are expected to triple by 1991 to \$375 billion in current dollars.

In the United States, software is expected to be one of the largest industries by the end of the decade. In Canada, however, the industry is at a critical threshold. Foreign-owned companies hold two thirds of the Canadian domestic software market. They are not providing the country with a fair share of jobs and investment.

A recent report by the Science Council of Canada has indicated our trade balance is deteriorating and will reach a deficit of \$5 billion by next year.

The Ontario government has given a lot of lipservice lately to high technology and the development of so-called "sunrise" industries. We have been hearing about Ontario moving from an economy that is industrial-based to one that is information-based. In fact, the 1984 budget of the Treasurer (Mr. Grossman) was entitled Economic Transformation. For the past 10 years, the New Democrats have tried to point out to the Ontario government that economic transformation is impossible without long-term initiatives and real structural changes.

The introduction of new technology has rapidly changed the face of Ontario's labour market and work places in the past few years. New technology can transform people's lives, help the handicapped and eliminate the worst burdens of work for millions. However, experts say it could also wipe out 500,000 manufacturing jobs and raise unemployment in Ontario to more than 20 per cent by the early 1990s unless we turn it to our benefit.

5:10 p.m.

The New Democrats set up a task force in October 1983 to examine the impact of technological change in Ontario. It recommended the legislated work week in Ontario be cut immediately to 40 hours, with a maximum of four hours' additional paid overtime. This would be the beginning of a steady, phased reduction in the work week to 32 hours, with the aim of reaching that goal in the early 1990s.

The impact of shorter hours can be substantial. If Ontario still had the 60-hour week that prevailed in the early 1900s, our unemployment rate today would be more than 40 per cent. If we reduced working hours from the current average of 38 hours to 32 hours and shared the excess, Ontario would have 782,000 new jobs, enough to eliminate unemployment completely.

More than half a million Ontario men and women are working 50 or more hours a week. Why are so many Ontario workers putting in 40, 45, 50 and more hours every week while more than 400,000 men and women in this province are without work entirely? In September 1984, 643,000 Ontario workers put in 50 or more hours. An additional 488,000 workers worked 41 to 49 hours a week. Together, these overtime workers accounted for 24 per cent of the Ontario labour force, or almost one in four workers in the province. The overtime hours worked by these 1,131,000 overtime workers are the equivalent of at least 221,000 full-time jobs.

One way of treating young people fairly would be to provide lifetime education credits which could be used at ages 18 to 22, or later in life when a worker decides he wants additional education or training. Workers should also be able to earn training credits equivalent to paid time off that would permit them to take temporary leave for upgrading or for learning new skills. These credits should be portable rather than tied to the job, and workers should be able to combine them with education credits they may have retained from their youth.

High unemployment has traditionally been concentrated among young workers, but it is now spreading up the age range. Plant shutdowns and changes in skill requirements are particularly devastating for workers over 45 years of age. Many of them work in slow-growth or declining industries that are vulnerable to technological change. Retraining opportunities in these industries are very limited.

Private pension plans protect only a minority of unorganized older workers and many people retiring today have not been able to make Canada pension plan contributions throughout their

working lives. If a person is laid off when he or she is over 45, it is hard to develop new skills. It is even harder to save for a decent pension when a person is fighting to get off unemployment insurance.

The services provided by the public sector are absolutely vital to a decent society. They are absolutely necessary as a means of creating useful jobs and encouraging economic growth. Yet government policies of restraint continue to undermine many of our basic human and social services. This creates more hardship and insecurity for the unemployed, the elderly, the sick, the disabled and many other disadvantaged groups. It turns productive workers into welfare recipients.

There can be little optimism about the chances of unemployed teachers, social workers, librarians or garbage collectors lining up behind unemployed auto, machinery, steel, textile or electrical workers for jobs in the private sector, even where these jobs actually exist.

Housing is a basic social need. It is one of the most direct, effective and least expensive ways by which a government can stimulate the economy and generate jobs. It is clear the private sector is incapable or unwilling to supply adequate accommodation at affordable rental rates. Last year the NDP made a number of proposals for social housing, including a two-year construction program of 10,000 seniors' housing units that would have created more than 11,000 jobs.

The Ontario government must increase its support and expand home care and homemakers' services, Meals on Wheels programs and day care for seniors. The province must develop alternatives to institutional care such as satellite homes, which have a proven record of providing care, stimulation and support for elderly persons not able to live alone. The NDP proposals for improvements to homemakers' services alone could create 1,100 full-time or 4,000 part-time jobs. Around-the-clock homemakers' service is cheaper than keeping someone in a chronic care hospital.

The need for child care is obvious, yet there is a shortage of accessible child care services in Ontario. There are more than 400,000 children under the age of six with working mothers. There are only 76,000 licensed child care spaces in the province, and only 26,500 receive partial or full subsidies. The government has put insufficient resources toward child care funding in Ontario.

The provision of affordable quality child care for all who require it is essential to achieve the

goal of a full and equal participation of women and men in the economy. New Democrats have made a number of proposals for immediate government initiatives in child care, including the establishment of 200 new nonprofit child care centres with 10,000 new fully subsidized spaces. At least 2,500 jobs could be created through such an initiative.

New Democrats believe the government should switch its strategy to recognize the job-generating potential of small-scale community-based economic activity. This has been called the third sector, a partnership of public, community and the private organizations whose members are committed to their communities because of their investments in their homes, schools, and community centres.

New Democrats have proposed a new partnership fund of \$200 million to encourage and support local community-based initiatives. Local communities are better equipped to understand local needs and opportunities. Through community development corporations, they can assist small firms in establishing or expanding their operation. The new partnership fund would make 20,000 jobs available across the province.

Small business makes up 97 per cent of all the companies in Ontario. It accounts for 40 per cent of the employees in the province and 23 per cent of sales. The New Democrats have made a number of specific proposals of direct benefit to small businesses, such as small manufacturers' wage subsidies, solar energy development, and plans to accelerate work on house renovation, co-operative housing and housing for senior citizens. All of these proposals would open more jobs for the unemployed. If every small business hired one additional employee, it would create 250,000 new jobs in Ontario.

Ontario does not produce enough skilled workers to meet our needs, but no coherent training policy or program exists to solve this problem. The number of apprentices in Ontario fell by 2,500 in 1982-83 and by an additional 1,500 in 1983-84. The total number of apprentices is less than one per cent of the work force. The response of the government at all levels has been chaotic. Special program after special program has been created, each with its own entrance qualifications, each focused on a narrow part of the problem.

5:20 p.m.

The President of the Treasury Board, Mr. de Cotret, announced the cancellation of the general industrial training program which provided approximately \$27 million for basic-level train-

ing in Ontario last year. The New Democrats have called for a youth employment and training act that would require the government to guarantee to every young person in Ontario the opportunity to participate in literacy training, education upgrading, and vocational skills training. This would commit Ontario to providing the supports necessary to ensure that every young person is able to pursue such opportunities as a matter of right.

Part of such support would be access to information and counselling, with special emphasis on young women pursuing nontraditional occupations. The act would guarantee income support at a level not less than the minimum wage for all trainees. It would also provide for dependants' allowances and child care support for families and sole-support parents participating in training activities.

Unless forceful action is taken soon, Ontario runs the risk of frustrating the hopes of a generation of young people. The vast majority of laid-off Ontario workers are not protected by the severance pay provision of the Employment Standards Act. Even those who are entitled to severance pay have only a one-in-three likelihood of ever getting the money they are owed.

In 1981, 147,000 men and women in Ontario lost their jobs. In 1982 and 1983 the numbers soared to 286,000 and 313,000. In the first eight months of 1984, 270,000 men and women in Ontario lost their jobs; yet only 8,009 men and women received severance pay from 1981 to 1983, approximately one per cent of those whose jobs were lost.

There is no magic solution to unemployment. As I mentioned earlier, we need long-term planning and strategy. After Michael Wilson's mini-budget announcements, it is obvious that we cannot look to the federal government for jobs. The Ontario government has an obligation to the 420,000 unemployed in this province. If it takes action on the initiatives I have outlined today in import replacement, new technology, public sector job creation, youth employment and training, we can begin to move towards a real economic transformation in Ontario with a guarantee of employment for every citizen in the province.

Mr. Barlow: Mr. Speaker, I must give the member for Dovercourt (Mr. Lupusella) full marks for getting on with this resolution. It has taken a long time, and I have certainly had a lot of time to research—

Mr. Bradley: A lot of blood has been spilled in the New Democratic Party caucus over this.

Mr. Barlow: I am sure there has been, but I would certainly like to give him full credit for the remarks he brought to us today. Unemployment, youth programs and so forth are of great concern to all of us in this House. Like the honourable member opposite, I am very concerned about the workers in Cambridge. Workers in the secondary manufacturing industry make up about 52 per cent of our total work force in Cambridge, so I am very concerned and well aware of the problems facing this province.

The government recognizes this also. To ensure the continued wellbeing of these workers, measures must be undertaken to ensure the continued health and viability of the secondary industries. As the member's resolution suggests, appropriate measures could include a broad range of actions and initiatives, everything from import replacement to small business incentives to worker retraining.

As is normally the case, however, the government of Ontario is one step—no, not one step; far ahead—of the New Democrats. Initiatives and programs are well under way in all the areas put forth in the resolution. To give a few examples, Ontario has a significant and successful import replacement program in place now. In 1981, Ontario imported \$835 million worth of fabricated materials. By 1982, our imports of fabricated materials declined to \$589 million, a substantial decrease.

Mr. Wildman: So did the total economy.

The Acting Speaker (Mr. Cousens): Order.

Mr. Barlow: Not by 1982.

The government is currently conducting a comprehensive review and overhaul of all pensions in this province. In fact, it occurs to me that it was only a few weeks ago that this House deliberated this whole issue as a result of another NDP resolution. Many programs designed to assist small business are currently under way. The small business tax incentive is only one.

I could go on about the programs already in place, but I prefer to focus my remarks on the one section of this resolution that interests me the most, that is, the measures proposed to deal with youth unemployment and training. As all members in this House know, but perhaps do not care to admit, job training and employment programs are a number one priority of the Progressive Conservative government. It baffles me that the New Democrats would put forth a proposal that is identical in substance to the one guaranteed by this government only six months ago.

The member for Dovercourt proposes that every young person be guaranteed the opportuni-

ty to participate in literacy, educational and vocational skills training. On May 15 of this year, the Treasurer stated in his budget speech, "Together, we will provide an opportunity for every young person in this province."

Mr. Martel: The government is in power and it is doing nothing.

Mr. Barlow: I am describing the programs we are bringing forth right now.

The Acting Speaker (Mr. Wildman): The honourable member should ignore the interjections.

Mr. Barlow: Thank you, Mr. Speaker. I will try to.

The Treasurer was only on page 3 of his budget statement when he made that commitment to the youth of Ontario. Surely the member for Dovercourt had not fallen asleep at that early point in the speech. I may have been mistaken in my assessment of the member's attention span and his capabilities.

To refresh the memory of all members of the House, I will outline some of the solid initiatives undertaken by the government in the area of youth employment and youth training. There is a newly created Ontario youth opportunities fund through which some \$450 million will be invested over the next three years in youth training and employment. In 1984 and 1985 alone, \$180 million has been allocated to this program, an amount that compares very favourably with the \$125 million allocated to youth employment and training programs last year.

Under Ontario youth opportunities, a new emphasis has been placed on training and experience for the hard-to-employ youths, those who suffer long periods of unemployment and those youths who have lost their jobs because of economic changes. These programs, which are being administered by the youth commissioner, Mr. Ken Dryden, provide counselling, placement training, job experience and entrepreneurial opportunities. The skills and experience Ontario's young people will gain from such programs will serve to assist them in their pursuit of long-term, meaningful employment.

Ontario's youth have also been given the opportunity to prepare for their future through the extensive and comprehensive post-educational system in this province. Currently, more than \$1.5 billion is being provided to colleges and universities so 334,000 full-time students may enjoy the benefits of higher education and training.

Unquestionably, much of this money goes towards the day-to-day operation of the post-

educational institutions. The government also recognizes the important role these institutions must play in helping Ontario to adapt to the future. Thus, through such funds as the university research incentive fund, moneys have been provided to subsidize the cost of approved research projects that have potential economic benefit for Ontario.

5:30 p.m.

Ontario's future will not be beneficial to everyone, however, if we do not also take into account the older workers who find their jobs becoming redundant on account of the economic transformation. While it is right that youth training and employment should be a number one priority of the government, it is important that the same priority be attached to the older workers through retraining. The government is at present working on a program for the retraining of older workers.

It is not enough to say to the older generation that it has had its opportunity and must now go out to pasture through such mechanisms as early retirement in order to make room for younger workers. That is just not the case. Men and women who have worked all their lives deserve and are entitled to much more than that. That is why programs such as the Ontario skills fund have been established. They are designed to help experienced workers adapt to the economic transition.

These training and employment measures for young and old alike illustrate the government's commitment to the Ontario worker. The initiatives undertaken in this area reflect the careful thought and consideration that have been given to this subject. It is such care and consideration that cause me to believe the current programs of this government will serve Ontario workers best.

For these reasons, I find I am not able to support the honourable member's resolution.

Mr. Lupusella: That is unbelievable. How can the honourable member say that?

The Acting Speaker: Order.

Mr. Bradley: Mr. Speaker, I appreciate the opportunity to participate in this debate because the resolution points to a problem that is obviously plaguing Ontario, despite the comments of the member for Cambridge (Mr. Barlow) in his rather optimistic outlook for this province and his rewriting of history.

I think most of the honourable members sitting here represent areas that have been hit with chronically high unemployment for a number of years. If we examine various areas of Ontario,

we know unemployment should be the number one priority for the government across the floor. Unfortunately, this government has been directing its activities in areas that are not particularly conducive to the creation of jobs. We are not talking about increasing the public dole, but providing opportunities for everyone in Ontario to be employed.

Older workers are addressed in this resolution. As I indicated in the House not long ago to the Minister of Labour (Mr. Ramsay), all of us in the three parties have talked a lot and perhaps been directing our actions towards alleviating the very serious problems confronting young people in Ontario as they try to find jobs. Even though all of us have been concerned about older workers, there has not been the focus of attention on the plight of older workers that, in my view, there should be.

As a person who has had direct experience with this in my own family, I recognize the devastating effect unemployment has on older workers who do not have ready job prospects. At one time I lived in the magnificent city of Sudbury. My father was employed by a firm called Smith and Travers Co. Ltd, which was subsequently bought out by Inco. It appeared that Inco was unsatisfied with the securing by the mine, mill and smelter workers' union of a contract which produced \$2.17 an hour as a wage, and subsequently Smith and Travers was closed down.

The workers were given precious little notice of their unemployment. There was either no notice or approximately a week's notice to those workers, among them my father, who had been employed by the company for 22 years. The thank-you he received for 22 years of service was the loss of a job with little or no notice.

It hits home as I recall a person who was 49 years old and unemployed. The unemployment situation was very difficult in 1957, with a Progressive Conservative government in Ottawa and a Tory government at Queen's Park as we have now. It made it very difficult. We did not have the severance pay provisions we have today—which still need improvement—or portable pensions or any retraining programs for older people. These workers were simply left to go around the province and secure employment if they could do so.

It is obvious that all the areas I have touched on require addressing by this government. The member who has put forward this resolution has recognized these problems and attempted to

make some suggestions on how they might be alleviated.

One of the suggestions I made to the Minister of Labour was in the direction of applying some equality of opportunity for older workers who are unemployed to secure employment in the public sector. For instance, I have in my riding an individual who is 61 years old, has been unemployed for some 17 months and wants to work. Whenever this individual goes to apply for a job, when he shows up for an interview, they are able to see what his age is. I do not think one can put one's age on the application form, but they look and see that a person has worked for a number of years for another employer. They recognize it is an older worker, and the door is slammed shut in his face.

What I have suggested to the Minister of Labour is that we have an affirmative action program for older workers in this province, that when they knock on the doors of the agencies, boards and commissions funded by the provincial government or by government departments themselves, they have the opportunity for employment opportunities with these particular employers. This would set an example for the private sector and at the same time allow these people to have access to reasonably good jobs.

There is no question that in most of the ridings in this province there is a need for affordable housing. What better way to produce job opportunities than to have affordable housing constructed in our communities? I know of a number of people in my community, senior citizens and families alike, who are not able to find suitable accommodation, accommodation which used to be provided by the Ontario Housing Corp.

If this government were genuinely to stimulate the economy of this province to produce those job opportunities, we would have reached the social goal of providing affordable housing for people while at the same time bringing forward employment opportunities.

I notice the member also mentions he wants to see reforms in "the provision of post-secondary-school education, apprenticeship and other vocational training to eliminate the redundancy, wasteful expenditure, bureaucratic complexity and inflexibility which characterize many current programs."

That is a desirable goal. That is one of the mandates of the Ontario Liberal caucus task force co-chaired by the member for Renfrew North (Mr. Conway) and by me, which will be going about the province in the near future, determin-

ing the problems that exist in the transition from school to work and the relationship between work opportunities and education in this province.

We know we will be consulting the people on the front line of the delivery of educational services in this province. We will be consulting in a very meaningful way a variety of people in various communities in Ontario to determine what the problems are and how we can improve upon what exists at the present time.

We will not be afraid to state those areas where we feel the government is doing a good job; that probably will not take us very long to do. We will also be prepared to make suggestions on how government programs can be improved for our young people and for others who require the services of our educational system to advance themselves.

We also recognize, as the resolution suggests, that assisting small business to create jobs is a desirable goal. Small businesses create the most jobs. They are most labour-intensive. They help little people to get a start, and those little people in business often become bigger. They grow and provide more taxes for government and more stimulation to the economy through the expenditures they undertake. In our view, that is most worth while.

5:40 p.m.

We think of environmental projects. There was a suggestion of these being proceeded with by the member who has put forward this resolution. In this province, if we are to set an example for our friends in the United States, if we are to send out a signal to those in New York, to other states south of the border and to the federal government that we are serious about cleaning up our environment and about removing the contaminants that come from the air and soil into our water supplies for drinking and recreational purposes, we can indicate that, not by dreaming up projects that are not necessary but by undertaking worthwhile projects to clean up our environment.

We would then achieve the dual goal of, first, setting straight our environmental concerns and alleviating them through positive action and, second, establishing ourselves as being serious about cleaning up the environment. Therefore, from a position of strength and credibility, we would encourage those south of the border to do the same.

These are problems that must be addressed. The fact that this government has not addressed them adequately is obviously the reason the

member has brought his resolution forward. We feel there are many ideas worthy of consideration in the resolution.

Mr. Di Santo: Mr. Speaker, I rise in support of the resolution introduced by my friend the member for Dovercourt. I do so not only because I agree with the content of the resolution, which is part of the program the New Democratic Party has been supporting for years and trying unsuccessfully to make the government understand, but also because of what we hear from the federal government and the provincial government.

When they talk, they rarely make statements on the state of the economy. In the last session, not a single decision of this government was directed towards the economy. What we hear is right-wing music that is the triumph of a mythology that proved to be false in the 1930s, that created most of the problems we have been dealing with in the past 50 years and that will create many problems both for our economy and for the economy of other nations that are following this right-wing doctrine. The free market about which we are hearing today has been experimented with since the 18th century; it is nothing new.

We know we are dealing today with a situation where we have high unemployment and a stagnant economy in Ontario. Despite that situation, the government says it is not going to do anything because the market will take care of the economy. That will not happen.

I regret that the member for Cambridge found the courage to say something positive is happening in Ontario when, if we look at the statistics, we know very well that youth unemployment in the province is higher than ever. We have 156,000 young people who are unemployed. What is worse, they have no prospect of finding employment in Ontario.

To come into this House today and tell us the Ontario youth opportunities program will create jobs in the future is utterly ridiculous. We know that ever since the budget was announced, the employment situation for young people in Ontario has not become better but has worsened. Even if we take into account summer jobs, which are temporary and low-paid, the unemployment picture for young people in Ontario is not bright and will become worse.

Despite what the Treasurer says for his own purposes during the leadership campaign, we know the forecasts put Ontario in a not very enviable situation. The latest growth forecast tells us Ontario will share last place with Newfoundland. For Ontario, a province whose

economy is based not only on natural resources but also on manufacturing, that means we are going to see more plant closures and more people laid off.

Because of Ontario's retrograde legislation with respect to pensions, early retirement and severance pay, a growing number of people will be suffering. If the member for Cambridge does not support this resolution, we can think of only one reason for it: the sense of guilt of his party, which is unable to come to grips with the economic reality of Ontario in 1984.

In this Legislature, we have been pressing for an early-retirement policy for the 50,000 workers who have been laid off and for whom there are no prospects of being re-employed. We have been putting forward policies to encourage early retirement. As I said when I introduced the resolution before my caucus, we have a high number of people in their late 50s and early 60s who have been employed in very heavy jobs in the construction industry, in forestry and in mining. There is no way they can find new jobs. In many cases, they are physically unable to perform the jobs they performed for many years. What was the response of the Conservative government? It insensitively blocked the resolution. It prefers to ignore the large sector of the population that is suffering.

As recently as the other day, we put forward our position on plant closures, because we know what human suffering they bring for people who have been working for many years. We remember the workers at Camco, who in some instances had been there for 40 years when the plant shut down. That decision put them out of work and shattered their lives.

We have been suggesting the government do what every other industrialized country in the world does: provide some safeguards. When a company plans a plant closure, perhaps there should be a mechanism that allows the government to ask the reason for the closure and to see the books. The Conservative government does not even want that. We have legislation in Ontario that allows any employer to shut down and move away without any justification. The

only people who suffer in that case are the workers.

We are witnessing a new turn of events. The other day in New York, the Prime Minister announced the opening of Canada to investment—

Mr. Bradley: Canada for sale.

Mr. Di Santo: The member for St. Catharines is right. Unfortunately, what the Tories are doing follows the pattern of the former Liberal government, which streamlined the Foreign Investment Review Agency to the point that in recent years, if we look at the statistics, almost all the applications were approved. This means that in Canada we will be faced with a situation where all the branch plants from the United States will have no interest at all in operating in Ontario. They can export into Canada without tariffs; so they can remove the jobs from Ontario with the encouragement of the federal and provincial governments.

There is another factor that will be very important. When the General Agreement on Tariffs and Trade is fully implemented, there will be no need for American capitalists to come into Ontario and invest here.

For those reasons, I hope the Conservatives at this late hour will have second thoughts, realize there are people who are suffering because of their policies and use this resolution as a means for them to think about some possible solutions. However, I know they will not do that, and that is very sad for the people in Ontario who are unemployed.

EMPLOYMENT SECURITY INITIATIVE

The following members having objected by rising, a vote was not taken on resolution 41:

Baetz, Brandt, Cousens, Cureatz, Dean, Eaton, Elgie, Eves, Gillies, Gordon, Gregory, Havrot, Kerr, Leluk, MacQuarrie, McCaffrey, McEwen, McLean, McNeil, Mitchell, Norton, Piché, Pope, Ramsay, Robinson, Rotenberg, Scrivener, Sheppard, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Treleaven, Walker, Watson—35.

The House recessed at 5:53 p.m.

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ERRATUM

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Barlow, W. W. (Cambridge PC)
Bennett, Hon. C. F., Minister of Municipal Affairs and Housing (Ottawa South PC)
Bradley, J. J. (St. Catharines L)
Brandt, Hon. A. S., Minister of the Environment (Sarnia PC)
Bryden, M. H. (Beaches-Woodbine NDP)
Cooke, D. S. (Windsor-Riverside NDP)
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)
Di Santo, O. (Downsview NDP)
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Grande, T. (Oakwood NDP)
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Jones, T., Deputy Speaker and Chairman (Mississauga North PC)
Laughren, F. (Nickel Belt NDP)
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Snow, Hon. J. W., Minister of Transportation and Communications (Oakville PC)
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities (York Mills PC)
Sterling, Hon. N. W., Provincial Secretary for Resources Development (Carleton-Grenville PC)
Sweeney, J. (Kitchener-Wilmot L)
Taylor, Hon. G. W., Solicitor General (Simcoe Centre PC)
Turner, Hon. J. M., Speaker (Peterborough PC)
Walker, Hon. G. W., Provincial Secretary for Justice (London South PC)
Welch, Hon. R. S., Deputy Premier and Minister responsible for Women's Issues (Brock PC)
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)
Wildman, B. (Algoma NDP)
Williams, J. R. (Orillia PC)
Worton, H. (Wellington South L)



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Legislative Assembly of Ontario



Fourth Session, 32nd Parliament

Thursday, December 13, 1984

Evening Sitting

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday, December 13, 1984

The House resumed at 8 p.m.
House in committee of the whole.

VISITORS

The Deputy Chairman: Before we get to business, there are some Boy Scouts in the gallery from my riding. We welcome them, along with all others in the House.

METROPOLITAN TORONTO POLICE FORCE COMPLAINTS ACT

Consideration of Bill 140, An Act to revise the Metropolitan Police Force Complaints Project Act, 1981.

The Deputy Chairman: Are there any amendments up to section 5? Can we begin with section 5? That is the first amendment I have, unless anyone has anything before that. Of course, I do not want to go too quickly.

Mr. Worton: Go right ahead.

The Deputy Chairman: I would like to. Does the Attorney General (Mr. McMurtry) have anything before section 5?

Hon. Mr. McMurtry: No.

Sections 1 to 4, inclusive, agreed to.

On section 5:

The Deputy Chairman: Mr. Philip moves that section 5 of the bill be amended by deleting subsection 1 and substituting the following therefor:

"(1) The commissioner shall establish and maintain, for the purpose of this act, an investigation branch to be known as the Public Complaints Investigation Bureau."

Mr. Philip: Mr. Chairman, the basic problem that we in this party have had with this bill—

Mr. Nixon: What do you mean, "we"?

Mr. Haggerty: Where is everybody else?

Mr. Philip: A number of them are out celebrating tonight, which is more than the Liberals can say.

The major problem the various new Canadian groups, the various ethnic groups and the various civil libertarian groups, including the Canadian Civil Liberties Association, have had with the bill—and we share their concern—is that the initial investigation is done by the police themselves.

Quite rightly, the Attorney General has stated this matter has been debated at some length and that gentlemen who disagree may disagree in a parliamentary system. We have made all the arguments before. The Attorney General knows the arguments; we know his arguments. Therefore, I do not see any reason we should prolong the debate. It is fairly clear to us that to gain the confidence of those who are objecting, among those who have concerns about the police, the investigation should be directly under the powers of the commissioner.

The Attorney General disagrees. We understand his reasons for disagreeing, but we do not accept them. I move this amendment, and I am sure the Liberals will support it.

The Deputy Chairman: The way to tell is to watch how they vote.

Hon. Mr. McMurtry: Mr. Chairman, as I indicated when we had a very interesting discussion in the standing committee on administration of justice yesterday, and as the member for Etobicoke (Mr. Philip) has pointed out, this is an issue about which reasonable people can and undoubtedly do disagree.

At this juncture, as we consider the bill clause by clause, I appreciate very much the member's deep interest in this important legislation. While we may have some disagreements, I have no question the member for Etobicoke is deeply committed to wanting this legislation to work well in the interests of all the citizens of this community, and although we have some disagreement we share the same goals.

The Deputy Chairman: All those in favour of Mr. Philip's amendment to section 5 will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 5 agreed to.

Section 6 agreed to.

On section 7:

The Deputy Chairman: Hon. Mr. McMurtry moves that section 7 of the bill be amended by adding thereto the following subsection:

"(4) For the purposes of this section a person who observes an incident shall be deemed to be a person directly affected by the incident."

Hon. Mr. McMurtry: This was another matter that came up yesterday, and I hope this amendment has unanimous support. The concern was expressed that a witness who observed an incident might not be regarded as qualifying as a complainant within the legislation, and we want to clarify this to avoid any misunderstanding or dispute in the future.

Mr. Elston: Mr. Chairman, since this recognizes in legislative form what is currently a practice, we have no objection and will certainly support this amendment.

Mr. Philip: I appreciate that the minister has responded to one of the concerns I raised on second reading of the bill and that a number of groups raised in appearing before the justice committee. Our party will support it because we think it is a move in the right direction. At the same time, I will reserve the right to move an amendment to section 18 that I think will cover certain other instances that are not covered by the minister's amendment.

Basically, his amendment recognizes the cases I brought to his attention on second reading; namely, the problem of the reporter or the trade unionist who observes an action by the police that is not appropriate but who feels or has it demonstrated that the person who has had that action done to him or her is too afraid or for whatever reason is not prepared to follow through on the complaint.

8:10 p.m.

At the same time, I have grave concerns that certain organizations such as the Canadian Civil Liberties Association are not covered by this. In the justice committee yesterday, we had a fairly good example of a case where an alderman had brought to the commissioner's attention a problem which the commissioner, because he had a sensitivity to it, investigated. The fact is he had no statutory ability to investigate that.

We had no problem with that in the Metropolitan Toronto case because in that instance he was able to proceed with the co-operation of the then chief of police.

My fear is that at some future date or in some other municipality—we have seen some of the problems in the Niagara area, for example—a chief of police may not be as co-operative or the commissioner may not have as much courage as Mr. Linden has.

For that reason, I am very concerned that someone such as a member of the Legislature, an alderman or some reputable group such as a ratepayers association or the civil liberties association, may wish to have a matter—a systemic problem, if one likes—investigated and this amendment will not cover it.

We will support the amendment as a step in the direction in which we wish to go. We hope the Attorney General will also consider an amendment which will allow the association or other community groups to have an investigation looked into.

Motion agreed to.

Section 7, as amended, agreed to.

Sections 8 and 9, inclusive, agreed to.

On section 10:

The Deputy Chairman: Hon. Mr. McMurtry moves that subsection 10(7) of the bill be amended by striking out the words, "or after" in the third line.

Motion agreed to.

Section 10, as amended, agreed to.

Sections 11 and 12, inclusive, agreed to.

On section 13:

The Deputy Chairman: Mr. Philip moves that section 13 of the bill be amended by adding thereto the following clause:

"13(2)(b) The chief of police shall notify the complainant of his right to request a review by the commissioner of any decision made under subsection 13(1)."

Mr. Philip: Subsection 13(1) gives the chief of police the power to declare a complaint frivolous, vexatious or in bad faith. He can dismiss that complaint.

I have no objection to that, nor do organizations that appeared before the committee. However, we feel the complainant's right under the bill to go to the commissioner to have his complaint reviewed is not necessarily explained to him.

The basic intent of my amendment—the Attorney General may wish to have his legislative draftsmen work on it and change the words—is that the complainant be told he has the right to go to the commissioner and have his complaint reviewed. I hope the Attorney General will see the merits of this and accept the amendment.

Mr. Elston: As I had understood when I was with the public complaints commissioner, that is done almost as a matter of course in the last paragraph of the written police report that is

provided to the individual who made the complaint.

In fairness, since it is a clarification, the amendment of my colleague the member for Etobicoke is well worth considering as part of the bill and I will support it.

Hon. Mr. McMurtry: I am advised there is no problem at all in relation to the practice or procedure that is followed. I am further advised that if the chief ever were to decide not to notify a complainant of the right to review, the chairman could and would do so.

I have not had a chance to assess totally the impact of this amendment on other sections of the legislation, but I am advised by my colleagues in this matter that it would cause some difficulty and would require a number of other amendments. On the advice I have received, I am unable to accept the amendment, but I want to assure the members opposite that we are satisfied the complainant is protected under the legislation as it stands at present.

Mr. Philip: I appreciate that the minister is giving us his assurance. Perhaps this is the case in Metropolitan Toronto, with the fairly good relationship between the present commissioner and the previous chief, which I hope will be carried over to the new chief.

I am concerned because this is a model bill that I hope will be exported to other jurisdictions across the province. I am not convinced the relationship between the police and the public, or between the police and whoever may be appointed commissioner, is necessarily as friendly and as cordial in other municipalities. I recognize the minister may well have to make additional drafting changes in the bill. I hope the minister will accept the intent of this as a safeguard, not only for other municipalities but also for future regimes of commissioners in Metropolitan Toronto and other regimes of other police chiefs.

Since the Attorney General accepts the intent and thinks it is worth while that this be done, it might be worth while to go through the additional draftsmanship to ensure it is in the bill and that this protection is granted, particularly if, as he has indicated, it will act as a model bill for other jurisdictions where we may have less talented or less prestigious commissioners and less co-operative chiefs of police.

I see Mr. Linden is blushing and I apologize if I have made him do that.

The Deputy Chairman: All those in favour of Mr. Philip's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

The Deputy Chairman: Hon. Mr. McMurtry moves that section 13 of the bill be amended by adding thereto the following subsections:

"(5) Notwithstanding subsection 4, where the commissioner is satisfied that there are reasonable grounds for granting an extension, the commissioner may extend the time for requesting a review."

Hon. Mr. McMurtry: This is another amendment the members opposite advocated and we agree their proposal represents an improvement to the legislation. We are, therefore, proposing this amendment.

8:20 p.m.

Mr. Philip: I recall asking the minister whether he wanted to move this amendment or wanted me to move it, and he said he would. I would be very foolish if I did not support it.

Motion agreed to.

Section 13, as amended, agreed to.

Sections 14 to 17, inclusive, agreed to.

On section 18:

The Deputy Chairman: Mr. Philip moves that subsection 18(1) be amended by adding thereto the following clause:

"(d) Where he has reasonable grounds to believe an investigation will serve the public interest."

Mr. Philip: Mr. Chairman, the reason for this amendment is fairly simple. I and many community groups are concerned that certain responsible groups, such as the Canadian Civil Liberties Association, may notice patterns that require action and investigation, but there may be no specific complainant, or the complainants may be so intimidated or so fearful, for whatever reason, cultural or otherwise, that they do not want to come forward. This amendment extends the jurisdiction of the commissioner to investigate those kinds of complaints.

I recognize that Mr. Linden has been able, with the co-operation of the chief of police, to go forward and investigate this type of complaint, but there is no guarantee that this will continue in the future. I suggest that this is a safeguard on that. It is also a safeguard—

Interjections.

Mr. Philip: May I continue, Mr. Chairman?

The Deputy Chairman: You have my full attention.

Mr. Philip: Do I have your attention? I obviously do not have some other people's attention. A number of my colleagues are gloating. I do not mind as long as they gloat silently when I am speaking.

The Deputy Chairman: Did you say "bloating" or "gloating"?

Mr. McClellan: He said "gloating."

The Deputy Chairman: Do not allow yourself to be distracted by these mild interruptions.

Mr. Philip: It is fairly clear that this amendment will extend the powers of the commissioner so that when patterns are identified or when groups come forward that have specific concerns, he may investigate those concerns.

I would ask for the support of the Liberal Party and the Conservatives in order to have this amendment carried.

Mr. Elston: Since the House leader of the third party entered the room, the whole process is practically coming to a halt. It is obvious he has lost control of his caucus, such as it is. We beg to provide him with some degree of sympathy, but he will have to put up with what he has.

This is one of the amendments we will support. I see no reason why the legislation should not reflect something the commissioner has already been able to do, that is, where the public interest would be well served take the step of making an investigation.

One of our problems is always going to be to preserve the gains made by the commissioner in implementing this particular piece of legislation. I would be very pleased to see what have become procedural matters established by the current commissioner enshrined in the legislation so that we leave a very strong message with anyone who happens to succeed the current commissioner.

I will be pleased to provide our support to the amendment proposed by the member for Etobicoke.

Hon. Mr. McMurtry: I am afraid I cannot accept this amendment. This has been the subject of a good deal of discussion in the justice committee.

Mr. Martel: We are trying to help you.

Mr. Stokes: We are on your side.

Interjections.

The Deputy Chairman: Let us have some order, please.

Hon. Mr. McMurtry: I wish I had had as much fun at dinnertime as some members had.

Interjections.

The Deputy Chairman: Order, please. Will the Attorney General please speak to the bill.

Mr. Laughren: Mr. Chairman, on a point of privilege: I think the Attorney General is being unjustly maligned. I wonder if he can perhaps tell us whether or not he is opposing this amendment because he spent so much time in the Belleville-Kingston area in the last couple of days.

The Deputy Chairman: That does not pertain to the bill.

Attorney General, will you please speak to section 18 and the amendment.

Hon. Mr. McMurtry: I think the whole issue as to when the commissioner can intervene has been worked out in a very satisfactory manner. The legislation as currently drafted, as I indicated in committee yesterday, is the result of a consensus achieved largely through the skilful efforts of Mr. Linden. I am afraid it would be contrary to an understanding and consensus that have been arrived at for us to accept this amendment. Therefore, I am afraid I am unable to accept it.

Mr. Laughren: Your colours are showing.

The Deputy Chairman: Order, please. The member for Etobicoke has the floor.

Mr. Philip: I know if Mr. Linden had his druthers, he would certainly want this extended authority, as would the new NDP member for Ottawa Centre and the new NDP member for Hamilton Centre.

The Deputy Chairman: All those in favour of Mr. Philip's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

The Deputy Chairman: There is further amendment to section 18.

Mr. Philip: I am at your discretion. I can either move for deletion of subsection (3), or I can simply allow you to divide that section and we will vote against subsection (3).

The Deputy Chairman: Would the honourable member like to make his motion?

Mr. Philip: I move that subsection 18(3) of the bill be deleted.

The Deputy Chairman: You will have to vote against it; that is your move.

Mr. Philip: May I speak to the motion, Mr. Chairman?

I believe the motion is self-evident. It was a concern of the Canadian Civil Liberties Associa-

tion and of other groups that appeared before the committee that in any kind of investigation one does not advise the person being investigated that he is under investigation. The most serious case would be where the chief of police himself was the centre of investigation and where the wrongdoing might have been directly related to his office or to his person.

This amendment sets out a normal investigative procedure, which is that one does not advise the person being investigated until after the investigation is started. It seems to me to be reasonable to do that. To do otherwise will involve us in serious problems, particularly when the investigation involves either the chief of police or those closely related to him.

8:30 p.m.

Mr. Laughren: Mr. Chairman, my only concern is that the Attorney General listen to the comments of my colleague the member for Etobicoke.

The Deputy Chairman: I am sure he has them all under control.

Any further discussion on section 18? Is it the pleasure of the House that section 18 carry?

Mr. Philip: May we have some comment from the Attorney General on this?

Hon. Mr. McMurtry: No. The reasons are the same as I already expressed a few moments ago.

Mr. Martel: What were they? I was not here. Would the minister give them to me again.

The Deputy Chairman: There is no amendment before the House. The amendment was not allowed by the chair. We are going to vote on section 18. Shall section 18 carry?

Mr. Philip: If I may, the minister has not explained or addressed himself to the problem of what happens if the chief of police is the person under investigation. Why should the person who is being investigated be advised before the investigation takes place? Surely it is in the interest of the investigation not to do that.

We have had a case where Mr. Linden, luckily with the co-operation of the chief of police, was able to descend and seal off a station and preserve the evidence. What if the evidence was in the office of the chief of police himself? What if he was a co-conspirator in the anti-social behaviour that took place in a such a case?

Surely it makes sense where there is a problem that the chief of police may be part of—that has not been the case in Metropolitan Toronto, but if this is going to be used as a model elsewhere, it may well be the case—we would want to preserve

the right of the commissioner, as a way of preserving the evidence, to be able to descend and conduct his investigation and to advise the chief of police after that investigation has commenced.

Hon. Mr. McMurtry: Mr. Chairman, as I indicated in the committee yesterday, the success of this project is dependent to a great extent on the relationship between the commissioner's office and the Metropolitan Toronto Police in the interests of all the citizens.

We are not trying to create a complaints process that automatically treats the chief of police as an adversary. It has worked out very well. We want this section to remain because it does help to strengthen the fundamental relationship of goodwill that must exist between the chief's office and the commissioner's office if this is going to function in the interests of the individual citizens of Metropolitan Toronto.

That is why we cannot accept the amendment to delete this notification, which has never been a problem and which does represent the spirit of co-operation that must exist.

Mr. Laughren: As a member who served for a while on the committee that looked into this whole question, I am concerned by the Attorney General's comments. Mind you, I have been concerned by a lot of the comments the Attorney General has made in recent days. We are not quarrelling with the sentiments the Attorney General expresses in his statements, but I, and other members too, see this legislation being used as a model for other parts of Ontario some day. To me, that is terribly important.

I am not a member from the Metropolitan Toronto area, but I would like to think, as I have said before, this legislation could be a model for other municipalities across the province. I think of the municipalities of Niagara and of Waterloo. I think, "Wait a minute, what the minister is proposing is wrong." My colleague the member for Etobicoke is trying to make this a very independent aspect of the legislation. I think the Attorney General is being too parochial in his response to my colleague.

If the Attorney General, as someone who is in a race that would put him in the forefront of Ontario, would understand we are not just dealing with a piece of legislation that deals with Toronto, we are at least potentially dealing with a model for the rest of the province, he might understand there are many of us who are very nervous about the way the legislation now reads, for the very reasons my colleague has put forth.

Without getting into the specifics of Waterloo or Niagara, I ask the Attorney General to think about the ramifications of that, because many of us look upon this legislation as something we would like to see applied to the rest of the province.

The minister can say, "When the time comes, we can make certain amendments." Why not make the amendments now, so that when that day comes, if it ever comes, at least the model is there and the rest of us can say, "These are reasons we can support this legislation"?

I simply close by asking the Attorney General to reconsider what he said and to think about the province-wide implications of what he is doing.

Mr. Philip: I hope this is not the Attorney General's concession to the Solicitor General (Mr. G. W. Taylor). I know that anybody in his right mind, any reasonable and moderate person, would want the Attorney General to become the Premier of Ontario. We certainly would be fearful if anybody having the influence of the Solicitor General were to come anywhere close to the centre of power.

I would not want to think that this moderate, progressive man, who should be Premier and who is by far the best candidate of the four, had made this concession to the Solicitor General, that reactionary dinosaur on the minister's right. In the light of that, knowing the statesmanship he has shown on so many issues such as this, I would hope the Attorney General would in turn concede and allow this one amendment, which speaks to the general thrust of his bill and to the progressive nature of his spirit in the election race to become Premier.

Hon. Mr. McMurtry: Mr. Chairman, at Christmas time, the member for Etobicoke really knows how to hurt a guy. That was a low blow.

I want to say to the member and the distinguished colleagues in his caucus, and to our distinguished colleagues in the official opposition, that we have an important principle over here that we pay attention to, and it is very relevant to what is happening here with respect to the commissioner's office. It is functioning very well; it is working. With respect, the advice I would like to give to the members is, "If it ain't broke, don't fix it."

Mr. Philip: The fact is that Waterloo and Niagara are broke, and that is what we are trying to fix. We are not trying to fix Metropolitan Toronto.

The Deputy Chairman: All those in favour of section 18 standing as part of the bill will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Section 18 agreed to.

Mr. Stokes: Mr. Chairman, for someone who is interested in high technology and who is competent in that field, you are a faulty hearer.

Hon. Mr. McMurtry: Mr. Chairman, this motion was defeated.

The Deputy Chairman: No. We were voting on the whole section 18, which was carried without amendments.

I thank the member for Lake Nipigon (Mr. Stokes) for his comment.

Sections 19 to 22, inclusive, agreed to.

8:40 p.m.

On section 23:

The Deputy Chairman: Mr. Philip moves that subsection 23(16) of the bill be amended by adding thereto the following clause:

"(d) levy a fine not exceeding \$2,000."

Mr. Philip: This is in response to a deep concern that was brought by the Canadian Civil Liberties Association and by some other groups that appeared before the committee. Basically, we have two choices under this bill with respect to punishment for an offence under the act. One is the very small penalty where there is a minor offence, namely, a five-day suspension. The other is the very major punishment of the officer losing his job.

I suggest to the minister, and indeed no less than Mr. Borovoy of the Canadian Civil Liberties Association has suggested, that is too great a gap between penalties. I suggest that under the minor offences subsection there be a penalty of a fine of \$2,000. If the minister feels \$2,000 is an inappropriate figure to put in, I am certainly open to hearing what he feels.

Surely the penalty of three days is very low and the penalty of losing one's job in disgrace is very high. There is a need for discretion somewhere in between. If the minister has some other suggestion, I will be happy to withdraw my amendment and to consider whatever suggestion he may have to meet that concern of having something in between the very minor penalty and the very major penalty.

That kind of thing would be of assistance both to the police and to those people who I pointed out on second reading feel the penalties are very insignificant for what are fairly serious offences but may not be considered major offences. It would give some discretion to the commissioner and the chief of police in imposing what amounts

to real justice in a situation where a somewhat serious but not an overwhelmingly serious offence has been committed.

If this is not acceptable to the Attorney General, I hope he will introduce his own amendment for something more acceptable somewhere between what is given in subsections 23(16) and 23(17) of the bill.

Hon. Mr. McMurtry: As I indicated yesterday in the standing committee on administration of justice, it was our intention, and still is our intention, to make this legislation consistent with the provisions of the Police Act. When it comes to the penalty provisions, this is particularly important.

I remind the member for Etobicoke with great respect that this was part of an important consensus that was achieved with police management and the Metropolitan Toronto Police Association. They believe very strongly in the wisdom of having these penalty provisions coincide with those provided under the Police Act.

When the Police Act is amended, the member for Etobicoke and others will have an opportunity to address this issue again. However, I think this would defeat the spirit of consensus that is very important to the effective functioning of this project.

Mr. Philip: The argument that Alan Borovoy of the Canadian Civil Liberties Association made, which I thought was rather persuasive, was, "Why make this the mirror of the Police Act when we are dealing with new legislation and can make the Police Act a mirror of this?"

Surely, if there is a problem in the Police Act it should not be our position to correct it in this act, but rather to make this the correct and appropriate act. Then we could change the Police Act where necessary. All we are making is a minor change; it would be very simple to amend the Police Act to mirror this act.

It is fairly evident there is a grave injustice both to the police and to the claimant in having a very small penalty and a very large penalty, between which a choice must be made. All I am asking is that we have some discretion somewhere in between. A small amendment to the Police Act could be forthcoming if this act were changed; it would be a matter that would pass in five minutes as a housekeeping amendment in this House. It would not take any great work on the part of the Attorney General to get it through this House. I am suggesting that now is the time to change this.

The groups that appeared before us clearly indicated there was concern in the public that some people got very little in terms of penalty for fairly major offences. The reason for it is that there is a choice between dismissing the fellow in disgrace and giving him this minor slap on the hand. There must be something in between. As the minister responsible for justice, the Attorney General will understand that. I am asking him to consider this amendment.

Mr. Chairman: All those in favour of Mr. Philip's amendment to subsection 23(16) will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 23 agreed to.

Sections 24 to 34, inclusive, agreed to.

On section 35:

Mr. Chairman: Hon. Mr. McMurtry moves that section 35 of the bill be struck out and the following substituted therefor:

"This act comes into force on December 21, 1984."

Mr. Philip: Mr. Chairman, the only comment I have is that this would make it exactly 33 days before the Attorney General becomes Premier, and I would congratulate him when that happened.

Motion agreed to.

Section 35, as amended, agreed to.

Section 36 agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Miss Stephenson, the committee of the whole House reported one bill with certain amendments.

8:50 p.m.

CONCURRENCE IN SUPPLY

Resolution for supply for the following office was concurred in by the House:

Office of the Provincial Auditor.

CONCURRENCE IN SUPPLY, MINISTRY OF THE SOLICITOR GENERAL

Mr. Wildman: Mr. Speaker, I am very concerned about the fact that the Solicitor General (Mr. G. W. Taylor) obviously does not understand the issue of automatic inquests into industrial deaths. I am very concerned that this minister would get up in the House, as he did earlier in this session, and make a ridiculous comment to the effect that by requesting automatic inquests into worker deaths we would be

requiring inquests into every automobile accident that resulted in the death of someone who might be defined as a worker.

This minister obviously does not understand the issue, as does his colleague the Minister of Labour (Mr. Ramsay), who is in favour of automatic inquests into all work place deaths. The fact is that we now require automatic inquests into all deaths that occur in mining and in construction. It does not make any sense at all that we require automatic inquests into deaths in those sectors and not into deaths in the industrial sector.

This minister has never given us a reason why it is appropriate for us to require automatic inquests into deaths that occur in the mining and construction sectors but not in the industrial sector. He has argued that it will require more expenditure of public funds, he has argued that it might be repetitious and he has argued that this government does not believe it would be beneficial to hold inquests into all these deaths; but he has never been able to show why it would not be useful to hold inquests into industrial deaths, which his colleague the Minister of Labour believes should be held.

This minister has never been able to demonstrate that it would in any way be repetitious or a waste of public funds. This minister has indicated—I suppose on the advice of the provincial officials who are responsible in this area—that it would not be beneficial, but the provincial coroner has never been able to demonstrate why it would not be useful to have a uniform approach to all work place deaths.

Why is it useful to have automatic inquests into mining deaths, which we support, but not into industrial deaths? This minister has suggested that in some way this would be a waste of public funds. I suspect this minister does not realize it would be a useful function to have a jury of ordinary citizens consider the reasons for a fatality in an industrial accident and make recommendations to ensure that kind of fatality does not occur again, and to have the occupational health and safety division of the Ministry of Labour respond to the recommendations and indicate whether changes should be made in the particular work place and all similar work places to ensure similar accidents do not occur again.

The Minister of Labour has indicated he is four-square in favour of automatic inquests into all work place deaths. He has not been able to explain why the Solicitor General continues in his obstreperous, unreasonable opposition. In his estimates, as recently as last week, the Minister

of Labour indicated it might take an eternity to persuade the Solicitor General to change his mind. He indicated to me that he has expressed his position to the Solicitor General that he believes it would be useful to have automatic inquests into all work place deaths, but that he does not have any notion how long it will take the Solicitor General to reconsider and come to a position that it will be government policy to have automatic inquests into all work place deaths.

It is not enough for us to have a Minister of Labour's policy; it must be a government policy that we will have automatic inquests into all work place deaths.

When I raised this in the House recently, the Solicitor General gave us a most ridiculous argument. He indicated that in asking for inquests into all workers' deaths I might be requiring us to have automatic inquests into every automobile accident that involved someone who might be defined as a worker. If he is serious and if he is dealing with this issue in a way that indicates he is concerned about the epidemic of industrial accidents, he will say he did not understand that we were talking about work place deaths rather than workers' deaths.

Before we pass automatic approval of the estimates for his ministry, I would like the Solicitor General to explain why it is that it is appropriate for us to have automatic inquests into mining deaths and construction deaths but not into fatalities that occur in other work places in this province. I would like the Solicitor General to explain what logic there is in having one area, the industrial sector, omitted from what is required in other work places in the event of fatalities.

We cannot vote concurrence in these estimates unless we have a clear statement of government policy from this minister as to why on earth he is stonewalling what is required to ensure we do not have a repetition of serious accidents in the work place throughout this province and that we respond in a way we know is going to ensure every possible approach is taken to avoid industrial fatalities in the future.

This minister does not understand the issue and he does not want to respond to the issue. Without his response to and without his concurrence in this area, we cannot vote in favour of the estimates of the Ministry of the Solicitor General.

9 p.m.

Mr. Stokes: Mr. Speaker, I would like to remind the Solicitor General we have had a series of correspondence back and forth dealing with

untimely deaths of people on northern reserves. I have had correspondence with the Attorney General (Mr. McMurtry), Mr. Burton, the crown attorney of Kenora, and Mr. Stan Jolly, who has specifically been assigned the responsibility of inquiring into the violent deaths that have occurred on many northern reserves. I have done so on behalf of all those residents, principally native people residing north of the 51st parallel.

There have been a number of unfortunate deaths for a variety of reasons. Some of them were air accidents. Some were a result of the misuse and abuse of alcohol or the sniffing of gasoline or glue; a variety of causes. On behalf of those law-abiding citizens north of the 51st parallel, I have asked that the Minister of Northern Affairs (Mr. Bernier) and the Solicitor General personally inquire into the nature, cause and reason for a lot of unfortunate deaths. I asked that inquests be held.

I am not blaming the Attorney General, the Solicitor General or their colleague the Minister of Community and Social Services (Mr. Drea). They are trying to address the problems on reserves north of the 51st parallel. When an untimely and unfortunate death occurs, I am asking they take a good look at it. If in the process they feel it is appropriate to ask for an inquest or to inquire into the nature and cause of these kinds of deaths, they should do so, not because they have a kind of policy that may apply in Metropolitan Toronto, Kingston, Ottawa, Thunder Bay or Windsor.

We have a responsibility to our first citizens north of the 51st parallel. I have letters from the Solicitor General and from crown attorney Burton. They are trying to do their jobs, to carry out their mandates. I am asking the minister to look at the specific, different and unique circumstances that obtain in those northern communities, so the 90 per cent of the people living there who are honest, decent, law-abiding citizens can be assured the cause of death is being determined, so the minister can come up with a result that will indicate to them that he is on their side and trying to help them wherever possible.

All too often we get the excuse, "It is really too remote in geographical terms." One that comes to mind is Landsdowne House. They say, "If we were to hold an inquest in one of those remote communities there would not be sufficient accommodation. It would be inappropriate and impractical to hold an inquest in those far, remote Indian communities."

I wish the minister would read the correspondence I have shared with him and I hope he will

take whatever action he can in the not too distant future, recognizing his responsibility as the Solicitor General to assist those people—90 per cent of them law-abiding citizens of Ontario living north of the 51st parallel—in getting a hold on the social, economic and cultural problems they face so that they too can be part of the mainstream of life in Ontario.

That is not too much to ask. As I say, I am not pointing a finger at the Solicitor General, at the Minister of Community and Social Services or at the Attorney General. If the Solicitor General is doing his job, if he knows what the situation is north of the 51st parallel, he will listen to what I am saying on behalf of all those communities in that part of Ontario and he will do whatever he can to assist in relieving the problems I have brought to his attention this evening, and almost ad nauseam in letters I have written to his colleagues or directly to him and shared with them.

The Solicitor General has a responsibility in that regard and I would like to hear him accept it in the tone in which I have tried to express it very briefly this evening.

Resolution concurred in.

Mr. Wildman: Is the minister not going to respond?

Hon. G. W. Taylor: I have not had an opportunity yet.

Mr. Wildman: So much for the workers of this province. So much for the native people.

The Deputy Speaker: Order.

CONCURRENCE IN SUPPLY, MINISTRY OF NATURAL RESOURCES

Mr. Laughren: Mr. Speaker, I assume we are now on the estimates of the Ministry of Natural Resources.

The Deputy Speaker: Yes.

Mr. Laughren: I start out with the assumption that the Minister of Natural Resources (Mr. Pope) will respond, unlike his colleague the Solicitor General (Mr. G. W. Taylor).

Mr. Stokes: I am disappointed in him.

Hon. G. W. Taylor: I did not even get a chance to respond.

Mr. Wildman: The Speaker gave him a chance to respond and he did not respond.

The Deputy Speaker: Order.

Mr. Laughren: I must say that for the Solicitor General to say he did not have an opportunity to respond is totally dishonest. He

was given an opportunity by the Speaker after the member for Lake Nipigon (Mr. Stokes) finished.

The Deputy Speaker: Order. Let us not get off on this tack. Would the honourable member please withdraw that remark?

Mr. Laughren: All right. I will get on with the Ministry of Natural Resources.

The Deputy Speaker: Would you withdraw the remark, please?

Mr. Laughren: Yes, of course.

Mr. Stokes: The Solicitor General's reaction tonight is the beginning of the downfall of the Conservative Party in Ontario.

The Deputy Speaker: Order.

Mr. Stokes: I thought I was being very helpful in my comments.

Hon. G. W. Taylor: The member was. I was listening. I heard him.

The Deputy Speaker: Order. The member for Nickel Belt (Mr. Laughren) has the floor. We are waiting with bated breath.

Mr. Laughren: I had not intended to get involved in the concurrences for the Ministry of Natural Resources because we did have—

Mr. Stokes: He does not have to do anything. He does not have to breathe if he does not want to. That is not the nature of this exercise. I think he knows that.

The Deputy Speaker: Order.

Mr. Laughren: Is this the former Speaker interjecting?

Mr. Stokes: It is indeed.

The Deputy Speaker: It is so unlike him.

Mr. Laughren: I welcome his interjection.

The Deputy Speaker: Please ignore the interjections.

9:10 p.m.

Mr. Laughren: I did not intend to speak on these concurrences until yesterday. Yesterday I asked what I thought was a straightforward, nonprovocative, serious question on reforestation in Ontario. The minister's response so incensed me that I was provoked to speak on these concurrences.

Not only was I provoked to speak on these concurrences, but I was even provoked to send out a press release to the Timmins Daily Press, always knowing, of course, that I was toying with the possibility of an editorial that might suggest my interests were less than those of the province of Ontario and that I might have ulterior motives. Nevertheless, I felt I should involve myself in the debate.

A while ago I read in Hansard a response to a question put to the minister by my colleague in the Liberal Party, the member for Halton-Burlington (Mr. Reed). He asked a question about the reforestation of our forest lands in Ontario.

The question was, "Will the Minister of Natural Resources provide a table for 1982-83 and 1983-84 showing," among other things, "the area not available for regeneration treatment?" It was a very simple question asking the minister to tell us the area not available for regeneration. The minister replied to my colleague's legitimate question, "All cutover land is available for regeneration except that which is used for forest access."

In other words, the minister was saying: "It does not matter what is cut over. It is all there for regeneration except what which is taken out for the building of roads." The minister should know what is taken out for the building of roads because he is funding the building of those roads. There is enough ammunition for a separate debate about the minister's preoccupation with the building of roads in our forests, aside from reforestation.

The minister said, "It is all available for regeneration." If the average citizen were to read Hansard—and the mind boggles at the thought of the average citizen reading Hansard—he would think: "I should relax because it is all okay out in the forest. It is all available for reforestation."

Mr. Stokes: The raspberries are alive and well.

Mr. Laughren: The minister says, "Do not worry about the killer raspberries; they will not do in the coniferous trees. Do not worry about them and let us get on with the business of pouring money into reforestation."

That is public money, something the minister never quite makes clear. When he is talking about reforestation, he says: "My government is committed to reforestation. We are putting \$150 million into reforestation over the next five years." What he conveniently forgets to say is, "Ladies and gentlemen, this is your money that I am putting into reforestation in Ontario." He makes it sound as though it is coming out of his pocket.

I do not want to get off the main point of my intervention tonight. "Not to worry," the minister said to the member for Halton-Burlington, "All forest land that is cut over is available for regeneration." All sorts of people read that, I am sure, and said, "Okay, I guess things are in better shape than we were being led to believe by either

the critic for the Liberal Party or the one from the New Democratic Party." That, by the way, was on October 19, 1984.

About a month later, on November 14, 1984, the minister tripped up to Thunder Bay—undoubtedly on a ministry plane—and had a press conference with the federal Minister of State for Forestry. At that press conference, they announced they had signed—I assumed they had already signed by the time the press conference was called—a federal-provincial agreement called the Canada-Ontario forest resource development agreement.

In that agreement, the Minister of Natural Resources and the federal government agreed to each put \$75 million in to reforestation in Ontario over the next five years. Fine. I do not hear any complaints so far. However, when one reads the fine print in that agreement, it states, and I shall quote because I do not want to be accused of misquoting by the minister:

"Some of the constraints affecting the economically available wood supply include the following; an ever-increasing accumulation of productive but unstocked forest lands which have the potential to add significantly to the forest resource but remain idle after disturbance by harvesting or fire."

I do not think one has to be a professional forester and I do not think one has to know a lot about forestry to see the kinds of games that are being played by the Minister of Natural Resources. Is there a pea under the shell or is there not a pea under the shell? Let members just watch the sleight of hand by the Minister of Natural Resources and see if they can figure it out.

In one instance, there is no problem: all forest lands are available for regeneration. The next minute, under the other shell, there is an ever-increasing amount of forest land that is not being regenerated the way the public thinks it should be, or that most people think it should be.

I say to myself: "Wait a minute now. What kind of game is being played by the Minister of Natural Resources?" He can say technically—and I think this is the crux of my argument—that in his original statement to the member of Halton-Burlington on October 19, "All I said was that all lands are available for regeneration." It sounds great. On November 14, he said, "There is an ever-increasing amount that is not being regenerated in the way we would like to see it regenerated," in other words, in a way that would give us a productive second forest.

The minister can hang his hat on that if he likes, but I want to tell members that is deceit. If

the minister thinks on one hand he can say, "It is available for regeneration," and the next minute say, "However, an increasing amount is not being regenerated productively," then he is really playing fast and loose with the truth about forest regeneration in Ontario. In a very technical and legalistic kind of argument—and I know he is very fond of the legal processes in Ontario; at least I have heard from my colleagues he is—he can hang his hat on that if he likes.

9:20 p.m.

I suppose if he wanted to take it to the Supreme Court of Canada he might even win, but is it appropriate in the interests of the future of the forests of Ontario that a minister of the crown would mislead the province by saying in one breath that all cutover lands are available for regeneration, and the next minute say there is an increasing amount which is not being made available for productive regeneration? Is that appropriate? Is that a way for a minister of the crown to manipulate the people of Ontario? Is that the way we want the crown to behave in statements about the public forests?

I do not think I need to tell you, Mr. Speaker, because I know you are more aware of who owns the forests of Ontario than most people are, that the forests are a crown asset. They do not belong to the private sector; they are a public resource. We give cutting rights to the private sector, but it is still a public resource.

I guess that is what really rankles. Every time I come up against the Minister of Natural Resources, he treats our forests either as a resource of the pulp and paper companies or, maybe worse still, as his own private playground or domain. That really bothers me because he has no more right to those forests than I do, and yet he treats them as though they are his private domain.

I do not want to be unfair to the Minister of Natural Resources, but in the recent conjecture about who the leadership candidates in Ontario should be, the Minister of Natural Resources was considered at the outset of that whole debate to be a natural, the only member from northern Ontario to be a candidate. I hope the minister will think about this because it will not be too late 10 years down the road for him to be a candidate for Leader of the Opposition in Ontario.

Mr. Stokes: Next time.

Mr. Laughren: That is what I mean—next time.

Mr. Breagh: Maybe now.

Mr. Laughren: Or the second-next time.

Unless the minister stops behaving as though the forests were his, as though the forests belonged to the Ministry of Natural Resources, the people in northern Ontario will continue to regard the control of the forests as being in the hands of people in southern Ontario—and that means the Ministry of Natural Resources and, through it, the minister himself. There is no doubt about that whatsoever. I do not want to personalize this debate because it is much more important than the Minister of Natural Resources.

It really bothered me when I raised this in the Legislature just this week. On Wednesday, December 12, I put a very straightforward question to the minister. I want to repeat it to you, Mr. Speaker, so you do not think I am being unfair. Your views on whether I am being fair or unfair are important to me, and I want to lay it all out to you. I said:

"Mr. Speaker, I have a question for the Minister of Natural Resources. In view of the fact there will not be time for a supplementary, I will try to be brief." We were running out of time in question period.

"The minister will recall he signed a document about a month ago with the federal government to pump \$150 million—\$75 million from each jurisdiction—into the forestry industry. I wonder if he agrees with the following statement in the document he signed:

"Constraints affecting the economically available wood supply include the following,"—and this is a direct quote from the document he signed—"the ever-increasing accumulation of forest land which naturally regenerates to currently unpreferred species such as aspen, following disturbances by harvesting, fire, diseases and insects; and an ever-increasing accumulation of productive but unstocked forest lands which have the potential to add significantly to the forest resource but remain idle after disturbance by harvesting or fire."

After putting that quote to the minister, I asked the question: "Does the minister agree concerning those two constraints contained in the document he signed? If he does, how does he square them with his response to the member for Halton-Burlington (Mr. Reed) in an answer to a question on October 19 of this year?"

I thought it was a very straight question because in his response to the member for Halton-Burlington he said, "Cutover areas are available for reforestation." He signed a document that said there was an ever-increasing

amount of land that is not being regenerated the way it should be because of all sorts of restraints.

The minister replied, "Mr. Speaker, the arrangement with the federal government to obtain an additional \$75 million of federal funding is a very important initiative in federal-provincial reforestation in this province." Who would disagree?

Then he said,—and this is the point that bothers me a great deal—"To get that \$75 million, I will sign any agreement."

Mr. Stokes: Talk about prostitution.

Mr. Laughren: I see the minister smiling, but—

Mr. Reed: It is not illegal in Canada; just soliciting is.

Mr. Laughren: It is illegal in Canada. The minister should be locked up. We will tell the Solicitor General about that.

My point—and I am coming to the end of the point I am trying to make—

Mr. Reed: Keep working at it.

Mr. Laughren: On the other hand, I do have a number of points I want to make. The minister sits in his place, he is asked a direct question by the opposition and he simply ignores the question.

I think the fundamental problem is that the minister does not understand the expression "Her Majesty's loyal opposition." I believe the minister thinks the fact there is a majority over there means the opposition should lie down and play dead; that majority means they rule with impunity, that is what they feel. Any objections from this side are an interference in the normal affairs of Tory Ontario.

That is outrageous. I happen to be very proud of the role I and my caucus colleagues play and, quite frankly, of the role the Liberal caucus plays as official opposition.

Mr. Stokes: They have that in Russia and Poland and it does not work very well.

Mr. Laughren: One of the fundamental underpinnings of our parliamentary democracy is the opposition. I do not think people in Ontario want to give that up.

I am offended and insulted when a member of the opposition—in this case it happened to be his critic, not because it is I but because it is an important part of parliamentary democracy—puts a question to him and the minister shows an unbelievable arrogance when he stands up and in a smirking kind of way says, "I will sign any agreement that gives us \$75 million," .

I think the minister has insulted this chamber. He can sit there and smirk all he likes. He can sit there and say: "That is fine. We have our majority and you have your minority; now let us get on with the business."

That is not an appropriate response from a minister of the crown. The minister must answer to the statements he makes. I am really offended by the way he deliberately refused to answer my question. In his response, he was smirking. When he sat down, he just waved his hand at us. He knew he did not answer the question I had put to him.

I do not think that is appropriate. I know he has his majority over there and I know what the public opinion polls are in Ontario; I do not need to be reminded by a high-flying Minister of Natural Resources, I understand that.

Mr. Stokes: But does the minister know what the state of the resource is?

Mr. Laughren: At the same time, I understand the problems in the forestry industry. For the minister to attempt to slough off those problems by refusing to answer my question is most inappropriate.

9:30 p.m.

I think the people of Ontario are a little tired of the very high-handed attitude of the Minister of Natural Resources. I do not think we should have to put up with that. I know the minister views himself as being above the chamber, above the opposition and above the interest groups in Ontario, but that does not mean it is right. Those of us on this side are a little tired of the way it has been happening.

I am not looking for any kind of support or acknowledgement from the minister, but in the last couple of years I have spent a lot of time on forestry matters trying to learn about this issue. Right from the beginning I admitted I knew very little about forestry when I assumed the responsibility of critic for the Ministry of Natural Resources, but I have worked very hard to learn about it. I have spent a lot of time with the member for Lake Nipigon learning what he knows about it as well.

I am probably most offended by the fact the minister treats me, as a critic, the same way he treated me four years ago. Only last year, less than a year ago, I left the estimates debate of the Ministry of Natural Resources because I could not stand being in the presence of the minister in those estimates any more.

Quite frankly, I told my leader I could not cope with the minister's attitude. I had to be treated in a parliamentary democracy as if I had a

legitimate role in this place. I could no longer cope with being treated as if I were nothing, as if my role in this place were insignificant. I happen to think my role is significant, not only because I was elected but also because it is an important aspect of parliamentary democracy.

I have not been as angry in my 13 years as a member as I was last spring when I left the estimates of the Ministry of Natural Resources. I have never walked out of estimates before. I have never been ejected from this chamber because I do have a feeling for what is going on in this place. When the Minister of Natural Resources climbed on his high horse at the beginning of the estimates debate and never got off that high horse, I was grossly offended. I do not think now or ever after I should be subjected to that kind of treatment by any minister of the crown.

The day before yesterday, Tuesday, December 12, was a replay of the estimates debate. I do not remember being so frustrated and so angry since the estimates debate as I was on Tuesday. As a matter of fact, right after that question and the answer by the minister, the question period ended and we moved into a debate on the Workers' Compensation Board. I was taking part in that debate, as I always have on workers' compensation problems. I was so angry I wanted to keep the debate on workers' compensation going well into next week and into January. I know that was not a mature response to the problem.

Mr. Haggerty: The member almost succeeded.

Mr. Laughren: No, I did not.

That was not a mature response to my anger towards the minister.

Mr. Stokes: It was not really the member's intent either.

Mr. Laughren: Why should everybody be subjected to coming back next week, the week after or into January because I was angry with the Minister of Natural Resources? I had really had it up to here, as they say, with that minister. His attitude towards me and towards the opposition when legitimately questioning problems in reforestation—

Interjections.

Mr. Laughren: Mr. Speaker, I am sorry. Am I interrupting a consultation?

Mr. Nixon: No, this is just getting good.

Mr. Eakins: Run the clock.

Mr. Nixon: We dare the member.

Mr. Laughren: I am not attempting to run the clock. The Liberals can interject if they like.

Mr. Nixon: Can we really?

Mr. Laughren: Yes, they can.

Mr. Nixon: Good. Thank you.

Mr. Laughren: It is fine if the former leader of the Liberal Party expresses some dismay at what I am doing, but he might be better to understand that I am making a plea on behalf of both opposition parties. He might check with the member for Halton-Burlington if he thinks I am being unreasonable. It was the answer to his question that prompted me to—

Mr. Reed: If the member for Halton-Burlington has a chance, he will speak for himself.

The Acting Speaker (Mr. Cousens): The member will speak to the resolution.

Mr. Laughren: I hope he will. As I recall, he had the first opportunity to speak in this debate and he chose not to.

Mr. Eakins: Merry Christmas to you.

Mr. Laughren: I can understand why the Liberals are in a bad mood tonight.

Mr. Nixon: The New Democratic Party did not even get 15 per cent in three ridings.

Mr. Laughren: What did we do in the other two ridings?

Mr. Nixon: You will find out starting next week. Lots of luck.

Mr. Laughren: I see.

I guess what I am trying to say is that it is time in this chamber to start taking the measure of ministers of the crown by the way they respond to the opposition. I do not think that being in a majority and being ministers means they can treat opposition members as though they were insignificant, and that is very clearly the message I get from the Minister of Natural Resources

Mr. Nixon: What is this fixation about insignificance that the member has?

Mr. Laughren: Perhaps the member for Brantford should have been there during the estimates debates to see the way the Minister of Natural Resources treated the opposition, including his own colleague the member for Halton-Burlington. Perhaps the member for Brantford, before he continues to take the side of the Minister of Natural Resources, should—

Mr. Nixon: The member for Brantford (Mr. Gillies) is not even here. He did not even go to that party they had on the taxpayers tonight.

Mr. Laughren: The member for Brant-Oxford-Norfolk (Mr. Nixon) should talk to his colleague the member for Halton-Burlington

before he takes the side of the Minister of Natural Resources.

Mr. Nixon: I do frequently. At least he makes sense.

Mr. Laughren: I do not expect the member to agree with my concern about parliamentary democracy in Ontario.

Mr. Nixon: We have not heard what your concern is yet, and you have been up there for 20 minutes.

Mr. Laughren: I can understand why the former leader of the Liberal Party is in a bad mood tonight.

Mr. Nixon: Right back to square one. Are we going around on that one again?

Mr. Laughren: We could. As a matter of fact, the member is provoking me to make comments I would not otherwise make.

Mr. Nixon: So what? I am closer to home than you are if you want to stay next week.

Mr. Laughren: As a matter of fact, it is funny the member would say that. As I said earlier, and I obviously have to repeat it, after the minister's response the other day I made a very impassioned plea that we should come back next week and that we should come back in January. I am not prepared to take the arrogance from the majority government that the member for Brant-Oxford-Norfolk is prepared to live with. He has lived with it longer than I have, and I am not prepared to live with that kind of arrogance. He has obviously reached the point where he accepts it.

Mr. Stokes: He has been at it so long he thinks that is the way it should be.

Mr. Laughren: That is right. He thinks it is the natural state of affairs in Ontario. I do not think it is the way it should be.

I will try to stay on topic. If I am able to accomplish anything tonight, it will be to persuade the Minister of Natural Resources that the opposition has a legitimate role to play in this place and that he should at least feel guilty about responding to questions the way he did on Tuesday last. To avoid answering a question deliberately in a smirking kind of way is unacceptable. The minister deliberately did not answer the questions I put to him. When I asked him—

Mr. Nixon: The member sounds so absurd and ridiculous. He is so full of himself and a few other things.

Mr. Laughren: The member for Brant-Oxford-Norfolk is increasingly irrelevant. Why

does he not accept that fact and fade into the background?

When I interjected to the minister that his response was a smart-aleck response, he replied in an interjection, "The question was smart aleck." What is smart aleck about saying this is what the minister said one day, this is what he said on another day, and would he reconcile those two statements? The only smart-aleck part of the whole exchange was the minister's response. He deliberately refused to deal with the question I put to him, and we are going to have long and rancorous debates in this chamber as long as the minister continues to behave that way.

9:40 p.m.

Looking down the list of concurrences, I see the concurrence of the Provincial Secretariat for Resources Development is still to come. The minister can stand up tonight and say: "I think you are out to lunch. I have made my statement. Let us get on with other business." He can say that if he likes, but all he is doing is passing off the responsibility to the Provincial Secretary for Resources Development. We will go after him when his debates come up. That is fine. I am quite happy to debate with the Provincial Secretary for Resources Development.

Mr. Stokes: That is even more futile.

Mr. Laughren: It may be futile, but in a majority government situation, what alternative does the opposition have but to debate? Voting is not the answer for the opposition; we are outvoted every single time. Our alternative is to engage in debate; that is why we are here.

Mr. Nixon: Is that what the member calls it?

Mr. Laughren: I do not expect the member for Brant-Oxford-Norfolk to think that legitimate debate is legitimate debate. He has been too long in futile opposition. We do not think we are going to be in futile opposition much longer. He obviously thinks he is. If I were him, I would want to adjourn quickly too.

Mr. Nixon: The third party will be waiting a long time. It used to be the second party; now it is the third. One more move and the member will be right off the row.

Mr. Laughren: Coming from the Liberal Party of Ontario, that is most heroic.

Mr. Nixon: I am just trying to help the member to think of something to say.

Mr. Laughren: I was going to sit down 20 minutes ago until the member for Brant-Oxford-Norfolk intervened.

Mr. Nixon: I know. Keep punishing us.

Mr. Laughren: That is okay. I am happy to debate this until the middle of January.

Mr. Nixon: The member should assert his authority. He should stand up on the chair.

Mr. Laughren: I do not have any authority.

The Acting Speaker: Order. The honourable member has the floor to speak to the concurrence in supply for the Ministry of Natural Resources. Will he please stay on the subject and stop listening to the interruptions and stop making interruptions.

Mr. Laughren: Thank you, Mr. Speaker. I can always count on you as an ally.

What I started to say was that the opposition—

The Acting Speaker: Will the honourable member speak to the resolution.

Mr. Laughren: Mr. Speaker, one reason I am continuing to speak is that the Ministry of Correctional Services concurrence is next and that minister is not even in the House. I will keep speaking until he gets here at least.

Hon. Mr. Drea: I am going to move that.

Mr. Laughren: The minister is going to move Correctional Services concurrence? That is not acceptable, Mr. Speaker. I will keep speaking.

Mr. Nixon: Let us talk about that. It will at least make some sense.

Mr. Laughren: I will try to—

Mr. Nixon: Do not give in.

Mr. Laughren: I have absolutely no intention of giving in. I am quite happy to come back next week, the week after and the week after that. It will be a long time until we are back here again after the leadership convention; so why should we not earn our money by staying here now?

The Acting Speaker: Speak to the resolution while you are speaking.

Interjections.

The Acting Speaker: Order.

Mr. Laughren: If there were television in here now I would not get away with some of these things.

Mr. Speaker, I know you understand that on this side the only ammunition we have is the ammunition of debate.

The Acting Speaker: Yes, but please speak to the resolution.

Mr. Laughren: The resolution is for concurrence in supply for the Ministry of Natural Resources. If I have not made my point yet, it is obvious I am going to have to start all over again.

The Acting Speaker: Please do not repeat yourself. Speak to the resolution.

Mr. Laughren: I am determined to finish my speech so as to leave enough time for the member for Halton-Burlington. He decided earlier that he did not dare to speak on these concurrences, but I gather now he has decided he does want to speak.

Mr. Reed: I have been propelled into it.

Mr. Laughren: I am very pleased about that. If nothing else, I feel happy about that fact.

Perhaps the minister will get the message. I am not sure he will, but perhaps he will get the message about the feeling of the opposition on matters of forestry. I had a conversation with the minister—

Interjection.

The Acting Speaker: I thank the honourable member.

Mr. Laughren: No, I am not finished. I was just following the interjections to flow back and forth.

Mr. Nixon: Megalomania at its best.

Mr. Laughren: I am prepared to speak as long as the interjections continue.

Mr. Nixon: My friend had better get his portable urinal ready.

The Acting Speaker: I would ask those who are giving these little interjections to refrain from doing so.

Mr. Laughren: I have only one thing in common with the Premier (Mr. Davis), namely, that I respond well to interjections; so let us keep them flowing.

Perhaps the minister can at least understand that when he gives flip, glib answers to the opposition, the opposition has very few ways in which to handle those kinds of responses. For instance, the other day the minister disagreed and said, "Well, the question was"—I think the phrase he used was "smart aleck." That is what he said.

Hon. Mr. Drea: That is not what I would say. I would say "stupid."

Mr. Laughren: The Minister of Community and Social Services can say "stupid." That is very good, because if anybody has cornered the market on stupidity, he has; so I bow to his judgement in that regard.

Mr. Nixon: Parliament at its finest.

Mr. Laughren: It was the minister who provoked me. I was not going to bring the minister into the debate, but if he wants to join in that is fine; I will not object.

I have said to the members that I love interjections and I ask them to keep them coming.

The Acting Speaker: No interjections. The honourable member will speak to the resolution.

Hon. Mr. Drea: The member needs another drink.

Mr. Laughren: I have just ordered another glass of water, and I hope it will be here shortly.

Interjections.

The Acting Speaker: The honourable member has the floor. I beg other members to allow him to continue his presentation.

Mr. Laughren: Mr. Speaker, I will make only one commitment to you tonight, and that is that as long as the interjections continue, I shall continue to speak.

Mr. Nixon: Threats.

Mr. Laughren: That is a promise and not a threat. If I were not invoking the interest of the members, they would obviously not be interjecting; so I will continue to speak.

What I am trying to say to the Minister of Natural Resources is that if he wants to have his statements and policies treated in a serious way by the opposition—

Mr. Nixon: So that is what the member is trying to say.

Mr. Laughren: I am sorry; I did not hear that.

Mr. Nixon: That is what the member is trying to say.

The Acting Speaker: Order.

Mr. Laughren: Time is not important to the member for Brant-Oxford-Norfolk.

What I am trying to say, and I am obviously not saying it often enough because the member for Brant-Oxford-Norfolk still does not understand it, is that if the Minister of Natural Resources wants the opposition to treat him and his portfolio in a serious way, not in a smart-aleck way, heaven forbid, then he has to treat the opposition in a like fashion. If he treats the opposition with disdain, then the opposition is going to treat him in like fashion.

9:50 p.m.

After the last estimates debates, I thought there was going to be a change in attitude because I had a conversation with the minister. It was a private conversation; so I will not quote every word. However, I did have a conversation in which the minister indicated he appreciated my concerns and the reasons I had walked out of his estimates in anger. When I walked out, I do not think I have

ever been as angry in my 13 years here as I was on that day.

One of my main problems was that when we attempted to question the minister on various aspects of his ministry, he insisted on answering all the questions himself; he would not bring any of his regional or district managers to the estimates. He said, "Ask me the questions and I will answer them." Does anyone think the Minister of Natural Resources can answer every question on every part of Ontario? Only the Minister of Natural Resources believes that. I see him nodding his head. He obviously still believes it and has not learned his lesson.

In a majority government situation, this place will work better when ministers treat the opposition with some modicum of respect. When they start treating the opposition with disdain, they know they will have problems in this place. The one minister over there who seems to have understood that is the government House leader. I am sorry he is in the House now, because I do not want him to hear this; I do not want to cause him problems with his own caucus. Nevertheless, that is a fact.

When the government starts bulldozing its way with a majority, it is going to have problems in this place. Who has the most to gain from the smooth running of the chamber? Which party has the most to gain if this place runs smoothly and legislation goes through smoothly? I do not think it requires much imagination to conclude that it is the governing party. The government has the most to gain if things go smoothly in this place. It has the most to lose if the place becomes chaotic.

The Minister of Natural Resources has provoked us more than any other minister on the government side—I stand to be corrected by the other critics—because of his attitude towards the opposition. He can continue to behave in that same way if he likes. I have seen no indication the minister is going to change his ways, I do not think it is possible for him to change his ways; that means we are going to continue to have problems.

The minister can sit there, smile contentedly and say, "I have just checked the Gallup poll or the Decima poll and we do not need to worry about you people." Fine; let him say that. However, he should not expect us to lie down and let him have his way.

Mr. Nixon: Like cockroaches in one's apartment.

Mr. Laughren: That is right. Does one fight back or does one not fight back? We think we should fight back.

I know what the Minister of Natural Resources wants. He wants to be able to make his statements and he assumes nobody will challenge him. It does not matter what they say at one time or in one place. It does not matter if they contradict one another. When we challenge him on his statements, he says, "You are being smart alecks."

What does the minister think the role of the opposition is in this place? I cannot remember the exact words of the member for Brant-Oxford-Norfolk, but he said it was treating them like cockroaches. We believe that is wrong.

On matters of forestry, the minister has refused to deal with us in an honest, straightforward way. Let me give an example. A year ago, I asked the minister for some reforestation figures. The minister said: "We are not going to give them to you. We think those figures are misleading. We have been giving them to you for all these years. We are not going to give them to you any more." That is the minister's prerogative. I agree with him most fundamentally.

Then what did he do? He appointed a task force within his ministry to look into how it could best prepare figures to present to us and to anybody else who might ask for them. That is what he did. I think the task force was within his ministry; he may even have had membership on that task force from outside his ministry. I am not sure, because the minister did it all very quietly.

I believe that task force reported to the minister in March concerning how he could best give us numbers on regeneration, because we think the regeneration figures are bad. Despite the fact the minister has been sitting on that report since last March, the figures have not been made available to those of us who raised the questions in the first place. I would like to know from the minister why we in opposition are not allowed to have information on the public forests of Ontario.

I do not think anybody will disagree that those forests are public forests. We give cutting rights to the private sector, but those are public forests. Yet the minister has the audacity to say we do not have the right of access to how well those forests are being regenerated once they have been cut over by the private sector.

Fine; the minister may object to the way the numbers are put out, but what does he do? He appoints a task force, has the task force report back to him and then will not reveal the recommendations of that task force.

Interjections.

The Deputy Speaker: Order. I think the member for Nickel Belt was getting ready to

conclude his remarks. Let us give him a chance here.

Mr. Laughren: The last thing I wanted to do tonight was dominate the debate. As a matter of fact, there are three reasons why I have spoken as long as I have. First, the member for Prince Edward-Lennox (Mr. J. A. Taylor) wants to speak, and I do not want to give him more time than he needs. Second, the member for Brant-Oxford-Norfolk wants to get into the debate, obviously because of his interest. Third, I want to know whether the member for Halton-Burlington agrees with his former leader, the member for Brant-Oxford-Norfolk, on how the minister treats the opposition.

The Deputy Speaker: May we go back to the debate on the concurrences of the Ministry of Natural Resources and leave the procedure for another place?

Mr. Reed: Give us the three points again.

Mr. Laughren: The first point was the member for Prince Edward-Lennox, the second point was the member for Brant-Oxford-Norfolk and the third point was the member for Halton-Burlington. Did the members get the three?

Interjections.

Mr. Martel: The House leader will support his colleague as long as he wants to speak.

Mr. Laughren: In that case I will wind up very shortly. I know a veiled threat when I hear one, Mr. Speaker.

Mr. Martel: It is that dumb minister over there that we cannot deal with.

10 p.m.

Mr. Laughren: I do detect a consensus in this chamber that it is time we moved on to other concurrences. I will conclude, as I tried to do half an hour ago until the member for Brant-Oxford-Norfolk intervened, by saying that the Minister of Natural Resources simply must change his attitude towards the opposition.

Mr. Martel: Did you lose some seats tonight?

Mr. Reed: Did you lose some deposits?

The Deputy Speaker: Order, please, honourable members. The member for Nickel Belt was just having his last couple of words. We owe him that.

Mr. Laughren: I am reconsidering.

The Deputy Speaker: That is the commitment he made to us.

Mr. Laughren: I am reconsidering my decision to wind up. I am prepared to start over.

Mr. Nixon: We missed the middle part.

Mr. Laughren: Shut up, then. I really am prepared to start in the middle.

Interjections.

Mr. Laughren: I really am prepared to wind up the debate; however, there is the question of the Kam-Kotia Mines Ltd. in Timmins which the Minister of Natural Resources has totally ignored. However, we will debate that at another time.

In conclusion, if I am allowed to conclude—

Mr. Nixon: Who says you are the last speaker?

The Deputy Speaker: Order. Maybe the New Democratic Party House leader would give the member for Nickel Belt a chance—

Mr. Martel: Would you guys shut up and leave him alone?

Mr. Laughren: I am in no hurry. I think others are in more of a hurry than I am.

The Deputy Speaker: The member for Nickel Belt has the floor.

Mr. Laughren: I have determined that there are people around here who are in much more of a hurry than I am. I have all evening. I am not prepared to argue with the members who want to interject; I am prepared to listen to them.

The Deputy Speaker: If the member would just proceed, we will keep a keen eye here and keep the interjections to a minimum.

Mr. Laughren: The minister cannot hear me and I am not going to speak while he cannot hear me.

I shall attempt to conclude, but not without saying that—

Mr. Martel: The minister is a donkey.

Mr. Laughren: I will start over again.

Mr. Martel: I was trying to help you.

Mr. Laughren: I am trying to conclude—

Mr. Nixon: It is very hard to do. You may not be able to do it.

Mr. Laughren: I am trying to conclude—

Hon. Mr. Norton: What is the conclusion?

Mr. Laughren: —but I do not intend to do so without trying to summarize—

Mr. Nixon: Oh, you better start again. You have lost your train of thought.

Mr. Laughren: I am trying to conclude—

Hon. Mr. Brandt: I heard that.

Mr. Laughren: I am trying to conclude—

Hon. Mr. Brandt: That is three times.

Mr. Laughren: I shall conclude—

Mr. Nixon: Why do we have all of these guards if not to put these guys away?

Hon. Mr. Brandt: Their coats are the wrong colour.

The Deputy Speaker: I would remind the member that we have all kinds of rules we could explore: redundancy is one.

Mr. Martel: We have all kinds of time too. Do not interject.

Mr. Nixon: The rules are off tonight.

The Deputy Speaker: The member has always been able to wade through a few interjections.

Mr. Laughren: Not like this.

Mr. Nixon: Gee, I wish this were on television. It would be so good.

Mr. Laughren: So do I. The member for Brant-Oxford-Norfolk would have been much quieter tonight if this had been on television.

The Minister of Natural Resources provokes these kinds of debates either in concurrences—

Interjections.

The Deputy Speaker: He was probably quiet, we have to admit. A great opportunity.

Mr. Laughren: The Minister of Natural Resources provokes these kinds of debates either in his ministry's estimates or in concurrences and, I suspect, in the concurrences of the Provincial Secretariat for Resources Development, because of the way he treats the opposition.

When the minister is confronted with two conflicting statements he has made and responds, "I will sign any agreement that gives me \$75 million," he treats the opposition with complete disdain. Does he really think it is the role of the opposition to lie down, play dead and assume the minister is God or king of the north? I am not the only one who would dispute the minister's contention that he is king of the north. I could name at least one other person who thinks he is king of the north. I prefer not to name names.

The opposition and the public of Ontario have every right to know what is happening in the public forests. As long as the minister continues to stonewall and not provide us with figures on our public forests, to which we have every right, the opposition is going to continue to harangue him. When I sit down, if the Minister of Natural Resources chooses not to deal with the questions I have raised, that is entirely up to the minister.

Mr. Nixon: Then look out for the next one.

Mr. Laughren: It is good to see the Liberal Party is supporting the Minister of Natural

Resources. It is really good to see that. Finally, we have the Liberals and the Conservatives on one side on the whole question of natural resources.

I was talking to some editors of northern Ontario newspapers today and they asked me, "Why is it that the Liberals never have anything to say about mining or forestry in northern Ontario?" I said: "You will have to ask the leader of the Liberal Party about that. Do not ask me that question." They asked, "Why is it that you keep raising these problems, and the Liberals never raise these questions?" I said, "You are going to have to ask yourself that question." Are our questions legitimate?

Interjection.

Mr. Laughren: That is a good point. The member has me on a new topic now. Are the questions we are raising legitimate or illegitimate? If they are illegitimate, does that mean only the Liberals know which questions are legitimate? The member for Brant-Oxford-Norfolk has done me a favour.

Why is it the Liberals do not raise these questions across the north about reforestation? Is there a reason? Am I wrong? Do the Conservatives have all the answers? Is that what it is? Does the Minister of Natural Resources want me to wave a white flag? Is that what he wants? What is the answer? I do not know. The member for Bellwoods (Mr. McClellan) does not know. I can tell by the look on his face.

When I sit down, the minister may stand up and say: "You represent the third party. The Liberal Party is not raising these questions. Therefore, you represent an insignificant minority in Ontario." That is fine. Let him say that, but let him be honest about it anyway. To date, he has not been.

Does the minister think we are raising legitimate questions or does he not? I will sit down, but if the Minister of Natural Resources chooses to ignore the questions I have raised, then I hope he will have the courage to stand in his place and make that statement. If he chooses, on the other hand, to deal with the questions in substance, it seems to me we will get through certain other estimates much more expeditiously.

Mr. Reed: I am not sure I can follow an act such as that, considering the member spoke for an hour about something. It was so impressive I think the Sudbury Star should have the entire text, and perhaps the Ontario Forestry Association. I will make sure the member for Nickel Belt will not go unheard in northern Ontario.

10:10 p.m.

I would like to take this opportunity to address one very brief subject to the minister; it concerns something that happened this afternoon. Ontario Hydro has announced it is raising the price of buy-back power by more than 40 per cent; that is, power delivered by private generating plants will go from 2.3 cents to 3.3 cents. That means there will be new incentives for cogeneration in northern Ontario, there will be new incentives for the use of forest wastes and there will be new incentives to examine certain hydraulic power sites for redevelopment in the province.

In a press release this afternoon, I urged both the Ministry of Energy and the Ministry of Natural Resources to undertake very expeditiously the removal of the remaining obstacles to that development. The minister is quite aware of what they are. They are mainly bureaucratic obstacles, but they are obstacles that can be removed. Many of them exist in the district offices of the Ministry of Natural Resources; they do not exist with the minister or his policy. I grant that to the minister.

However, the minister knows the prejudices of the past still remain out on what we call the firing line, and he knows if there is ever going to be any positive move or any positive response to what has been quite a dramatic advance by Ontario Hydro, the message will have to be sent to the district offices that certain obstacles are going to have to be cleared away so this development can take place.

I leave that one message with the minister. I am not going to try to run out the clock talking about a myriad of things here tonight. However, it is a matter of urgent public importance, and I did want to get it on the record. I thank the House for the time.

Hon. Mr. Pope: Mr. Speaker, let me say very briefly to the member for Halton-Burlington that I do agree with the need, as a priority policy within the ministry and in the Ministry of Energy, to remove some of the obstacles to development of private hydraulic and thermal generation facilities on a spot-by-spot, industrial and personal basis throughout the province.

We hope the increase alluded to by the honourable member will help that. However, as the member has mentioned in estimates in two successive sessions, there have to be some changes in processes within the Ministry of Natural Resources and within the Ministry of Energy to make that happen. I agree with him on that.

The member for Nickel Belt raised a number of issues that have been discussed in estimates. We have had two sets of estimates in the past 12 months, and on every occasion I have attempted to answer the questions of every member of the committee. I have never heard the allegation that I have not answered the questions that have been put to me.

Regarding the discussion of the last day, in which the honourable member posed a question, the very way the question was posed in this House answered the problem raised by the member. That specifically relates to the phrase, "area not available for regeneration."

Back in 1982, the member and others in his party went around northern Ontario and said "area not available for regeneration" meant deserts, areas that were being permanently written off by this government and would never be available for regeneration again. He changed his tune afterwards and now calls them "silvicultural slums." They are no longer deserts.

That is the background to the use of this wording and the debate that has gone on throughout northern Ontario as the third party's task force on forestry has gone around and made these points.

Mr. Laughren: What a lot of nonsense.

Interjections.

Hon. Mr. Pope: The honourable member says that I, as the minister—

Mr. Laughren: Why did you not answer the question?

The Deputy Speaker: Order. The Minister of Natural Resources is having a hard time being heard.

Hon. Mr. Pope: The member has said, and his leader has said as well in Thunder Bay, the real problem in natural resources in this province is the personality of the minister. In the last hour he and his colleague the member for Sudbury East have used terms such as "misleading," "a dumb minister," "arrogant," "donkey," "dog," and "has not been honest."

I think that is indicative of their attitude towards this place and that attitude pre-existed my coming to the Ministry of Natural Resources.

Mr. Laughren: It did not.

Hon. Mr. Pope: It did so. I have seen it in Hansard before and I have seen it out on the hustings. That is his attitude towards the people of this place as well. Therefore, he should not say that I am the problem.

Mr. Martel: You are a donkey. You really are a class act.

Hon. Mr. Pope: I have read all the words. Just after I was appointed Minister of Natural Resources, I can remember the member for Lake Nipigon was quoted in northern Ontario as saying, "The minister does not know the difference between a trembling aspen and a raspberry bush." That was in early 1982.

Mr. Martel: I would have said it more succinctly than that. You are a jackass.

Hon. Mr. Pope: Let us talk about the leader of the third party, who was in Cornwall on October 2. He did not even know the white pine was Ontario's tree. He said it was the white birch that was Ontario's tree. The white birch is Ontario's tree, according to the third party. Of course, the members of the third party—

Mr. McClellan: What about the provincial bird.

Mr. Martel: We can probably find a provincial insect—a mosquito or a black fly.

Interjections.

Hon. Mr. Pope: Mr. Speaker, I am trying to acknowledge that the issues raised by the member for Nickel Belt and the members of his party are important.

Mr. Martel: You will not answer one question.

Mr. Laughren: You never acknowledge—

Hon. Mr. Pope: All right then, since the members of the third party do not want to have that kind of discussion, I will end by saying that we come from two different philosophies on resource management. Their philosophy was indicated by their leader in Maclean's magazine in 1982. They want to nationalize it all and take jobs away from the north. I am going to fight them every step of the way, so they can take that.

Mr. Martel: Mr. Speaker, on a point of privilege: I have listened to the clown antics of the minister responsible. I want to say this party has never suggested nationalization. I might nationalize Inco. However, to listen to his stupid comments over the past three months—

The Deputy Speaker: Order.

Mr. Martel: That minister is out to lunch.

The Deputy Speaker: Order. Would the member for Sudbury East please take his seat.

Hon. Mr. Pope: Point of privilege—

Mr. Martel: He has never answered the question in his bloody life. What a donkey he is.

The Deputy Speaker: Order. We are in the closing time of the day. Let us have the decorum our rules call for.

Mr. Martel: Tell that jackass to listen.

The Deputy Speaker: The member for Sudbury East will kindly remove that remark.

Mr. Martel: I will not withdraw when I listen to comments like that clown just made, and I will defend my leader to the end.

The Deputy Speaker: If the member does not remove those two remarks—

Interjections.

The Deputy Speaker: I have to name the member and he should leave. The Sergeant at Arms.

10:20 p.m.

Mr. Martel: What did you say?

The Deputy Speaker: I have to name you, sir.

Mr. Martel: Wait a minute. I know something about the rules of this place.

The Deputy Speaker: Would the member—

Mr. Martel: I am not going. I want to know why you have named me.

Interjections.

Mr. Martel: No, no. I am not going easily.

The Deputy Speaker: Abusive language is not acceptable.

Mr. Martel: What did he say?

The Deputy Speaker: Calling another member "jackass." I ignored "donkey" earlier.

Mr. Martel: You will have to take me out by force. You are not taking me out easily. I want to know why you named me.

The Deputy Speaker: Would the member—

Mr. Martel: I know you have been a Tory hack and I want to know why you are naming me.

The Deputy Speaker: I am not prepared to debate with you.

Mr. Martel: Do not bug me. I am not moving. I want to know why you named me.

The Deputy Speaker: Yes, I will say. Very quickly, using words such as "jackass" or "clown" is not acceptable, and abusive language.

Mr. Martel: You did not even ask me if I would withdraw them. You cannot play games such as this.

The Deputy Speaker: I asked you.

Mr. McClellan: Please leave.

Mr. Martel: No, bugger off. I am not going tonight. You will have to take me out physically.

The Deputy Speaker: You know what our option is. You can be removed for the balance of this session.

Mr. Martel: I know what the rules are around here. You tell me what I said that was wrong.

Hon. Mr. Brandt: You are an insult to your party, and you know it.

Mr. Martel: You will have to take me out physically. I want to know what kind of game this donkey is playing.

Hon. Mr. Drea: Mr. Speaker, on a point of order: I draw your attention to the clock. It is a good time to adjourn.

The Deputy Speaker: We will recess for five minutes.

Mr. Martel: You do not have a leg to stand on with the game you are playing.

The Deputy Speaker: I have no recourse. You have had ample time to withdraw.

Mr. Martel: You never even asked me to withdraw my remarks.

The Deputy Speaker: It is not necessary—

Mr. Martel: No, no you do not. I want to know what the Speaker is saying.

Interjections.

Mr. Martel: No, I am not going. They are going to have to take me out of here physically. I want to know why the Speaker is naming me.

Mr. Gordon: Fall down on the floor again, Elie.

Interjections.

The Deputy Speaker: We will adjourn the House for five minutes.

The House recessed at 10:23 p.m.

10:28 p.m.

CONCURRENCE IN SUPPLY, MINISTRY OF NATURAL RESOURCES

Resolution concurred in.

Hon. Mr. Wells: Mr. Speaker, I wonder if we could revert to reports so we can have a report from the standing committee on members' services.

Mr. Speaker: Do we have the unanimous consent of the House to revert to reports?

Agreed to.

REPORT

STANDING COMMITTEE ON MEMBERS' SERVICES

Mr. J. M. Johnson from the standing committee on members' services presented the following report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill 17, An Act to revise the Election Act.

Motion agreed to.

Bill ordered for third reading.

BUSINESS OF THE HOUSE

Hon. Mr. Wells: Mr. Speaker, tomorrow we will go down the list of concurrences standing on the Orders and Notices today, the conclusion of the budget debate, if time permits, and the supply bill.

The first order of business will be the third readings on the order paper, which are Bills 17, 82, 101 and 140.

The House adjourned at 10:30 p.m.

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 Jones, T., Deputy Speaker and Chairman (Mississauga North PC)
 Laughren, F. (Nickel Belt NDP)
 Martel, E. W. (Sudbury East NDP)
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No. 144

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Fourth Session, 32nd Parliament

Friday, December 14, 1984

Speaker: Honourable John M. Turner

Clerk: Roderick Lewis, QC

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Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

An alphabetical list of members of the Legislature of Ontario, together with lists of members of the executive council, the parliamentary assistants and members of the standing committees, also appears at the back as an appendix.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Friday, December 14, 1984

The House met at 10 a.m.

Prayers.

LEGISLATIVE PAGES

Mr. Speaker: Before proceeding with the business of the House, I have a very important communication from the pages. It says:

"We, the pages of the Fourth Session of the 32nd Parliament, would like to thank the members, the clerks, the Sergeant at Arms, the attendants and especially Miss Niezen and Mr. Speaker very much for your hospitality and your very much appreciated co-operation.

"Thank you. Season's greetings and all the best."

STATEMENTS BY THE MINISTRY

BY-ELECTIONS

Hon. Mr. Davis: Mr. Speaker, I would like to take this occasion to extend my congratulations to those candidates who were elected to the Legislative Assembly of this province yesterday.

While I gather from press reports that there may be some further determination in a particular riding, on the assumption that those who were doing the counting yesterday were using the old math and the figures are correct, I extend my best wishes to those candidates, two of whom are actually returning to this House, the two members for the New Democratic Party. I regret only that I will not be here as Premier to give them once again the benefit of my advice, which advice, I guess, temporarily terminated their political careers.

It also goes to prove that none of us should say our political careers are ever finally over. It is snowing today, and I know of others who have made decisions in snowstorms, but that is not my intent.

Mr. Mancini: Where is your blue carnation?

Hon. Mr. Davis: Of course, I very rarely wear flowers. Where is your red one? I do not want to be partisan this morning, but I thought the member opposite might be wearing a black armband.

I extend my congratulations as well to the new member for Ottawa East, who won that riding in a very close election, according to our figures.

Mr. Kerrio: You know Casey Stengel. We will be back next year.

Hon. Mr. Davis: I will be back next year too. I am not sure about the year after that. You and I may be in retirement together the year after that.

Mr. Kerrio: One will be voluntary; the other one may not be.

Hon. Mr. Davis: Yes. At least mine will be voluntary; yours may not be.

I extend my congratulations as well to the new member for Prescott-Russell. I am sure the Leader of the Opposition (Mr. Peterson) and the member for York South (Mr. Rae) will pardon me and understand why I am particularly pleased with the results in Wentworth North. I have been involved as head of government in a number of by-elections, and during my tenure in office this is the first occasion when our candidate has been successful in a riding—

Mr. Peterson: Just as you are leaving.

Hon. Mr. Davis: Yes, just as I am leaving. It is very symbolic. I know what the Leader of the Opposition would like to read into it, but I caution him not to become too optimistic or enthusiastic.

Mr. McCaffrey: Do not provoke him.

Hon. Mr. Davis: I do not intend to provoke him this morning.

Not only am I very pleased but I also genuinely believe the person elected in Wentworth North will really make a contribution in the Legislative Assembly, irrespective of party affiliation. Mrs. Sloat has been a municipal leader in her community for some years. She is a very dedicated and able person. I am very delighted to welcome her in the Speaker's gallery this morning.

She wanted to get some idea of just how things are conducted. I am told that last night might have been an experience here in the House for her, but I only go by reports.

Mr. Foulds: You have never been here.

10:10 a.m.

Hon. Mr. Davis: But I had my speaker on and I heard. I will make no further comment except to say I am perhaps glad she did not get her first exposure to the orderly conduct of this House last

evening. I would like to welcome her to this House.

Mr. Haggerty: Now for the affirmative action.

Hon. Mr. Davis: Affirmative action; I hope the member for Erie understands the terminology affirmative action.

While I will be here to listen to the observations at the conclusion of the budget debate, in case I do not have an opportunity to—

Mr. Rae: Does that mean the Premier is not staying for question period?

Hon. Mr. Davis: I expect to be here for part of that as well.

I would like to extend to—

Mr. Foulds: You are not normally a recluse.

Mr. Rae: You make Howard Hughes look like a socialite.

Hon. Mr. Davis: I am delighted to know I was missed. I have given honourable members great opportunity to operate without my presence and I do not find things have changed a bit, including last night.

I would like to extend to members on this side and to members on the other side of the House my very best wishes for the holiday season, an opportunity to rest, reflect and spend time with their families.

I would also wish to my successor, whoever that person will be, who will be in this seat when this House resumes some time after February 26, not only the very best for the holiday season but a very politically successful 1985. I know members opposite would share in the best wishes I am extending to the unknown person who will fill this seat.

Mr. Elston: They are all unknown.

Hon. Mr. Davis: Well, they are all unknown. I caution the member that I never make predictions about my own political fate or outcome, but I will be prompted to make a prediction at some point during the latter part of January that whoever succeeds will be Premier for at least eight or 12 years.

Mr. O'Neil: Has the Premier looked at them?

Hon. Mr. Davis: Yes, and so has the member and that is why he is assessing his political future. When I look over there—

Mr. O'Neil: It will not be long before we are over there.

Hon. Mr. Davis: I will not be provoked this morning.

While I am here at question period, I am sure the questions will be of the nature that I will not

have the opportunity to say a word of thanks to all members of the House, both on this side and the other, for the degrees of courtesy that have been extended to the member for Brampton, not always, but on a number of occasions.

Once again I would thank the leaders of the opposition parties for the kind words they expressed some weeks ago. I assure them those words will not come back to haunt them, because come snowstorm, sleet, hail or rain, I shall not be taking a walk and changing my mind about my political future.

[Applause]

Mr. Peterson: Mr. Speaker, I am not sure whether all that cheering over there was for the Premier's last remark or what.

However, let me join the Premier in extending congratulations to the newly elected candidates. I express my congratulations to the two new Conservatives, Mrs. Sloat and this funny guy sitting opposite me, whoever he is. I am glad to see him sitting in the House again.

I congratulate the two New Democrats, one conditionally, who won in a very tight race, and one unconditionally, who won in a much more definitive race; and of course the two candidates that were elected from the Liberal Party, Ben Grandmaitre and Jean Poirier, who I feel very confident will make a fine contribution to this House.

We watched and worked in those by-elections with a great deal of interest. It is no secret that a number of pundits have said the Liberal Party was in pretty bad shape. I would remind those naysayers that the Liberal Party had 43 per cent of the vote cast, substantially ahead of both the other parties.

But for a little luck—a couple of situations were extremely close. I expect in both of those cases the candidates will be running again. You will get to know them intimately if you are still in your chair, Mr. Speaker, which you may not be. You will get to know them intimately in that situation.

I congratulate the new members and I congratulate the candidates as well. I have some understanding of the sacrifice. I have some understanding both of the joys of victory and of the agony of defeat in politics. To those who were defeated in all cases, I extend my good wishes as well. I found that fatigue leaves the body after a campaign far more quickly if one wins than if one loses. I am sure the five members will make a great contribution to this House.

We will be discussing what the future has in store for us a little later today in our windup

speeches. I will save my good Christmas wishes and best regards for all the members until that occasion. I just want to take this occasion to congratulate the members who are here, the members who were elected. I feel very proud of the effort put forward by the members of my party, the candidates who ran for us. They were distinguished people in all cases and they did themselves extremely proud. I am very happy about that.

Mr. Rae: Mr. Speaker, members are happy on all sides. If the Leader of the Opposition is happy, I can say I am happier than he is today. I am delighted with the result.

I want to offer to Mrs. Sloat, who is here today, my sincere congratulations on behalf of all of us here. We wish her well in her career here, however long or short it may turn out to be. That is the nature of the job. Welcome to this rambunctious and happy place. May Mrs. Sloat and her family have a merry Christmas.

I will not make any partisan comments, except to say we are obviously very pleased with the results. Our votes went up everywhere and we won two seats. Organization is the name of this business, together with strength on the ground and commitment. We have on all those fronts done well and we are very pleased with the results.

They may lead to some change in the seating plan in this House, Mr. Speaker. I will be talking to you about that in a moment. As our numbers expand, we feel we should be expanding a little more in your direction and getting closer and closer to your chair.

Mr. Kerrio: To the right.

Mr. Rae: No, just closer to the centre of things. I understand there is some argument on the other side as well about who is closer to the centre of things. We will leave that as a wish.

As for the Premier, he makes Howard Hughes look like a socialite. We are delighted to have him back here today. I expected him to come in with a long beard and a linen suit. I had no idea. He looks exactly the same. We are delighted he is here. I am just sorry he was not here for what was a very interesting session; shall I put it that way.

It was a session which was described by the Premier's colleagues yesterday as so busy they did not have time to fit in family law reform or environmental protection. That is the kind of session it has been. We will have more to say about that as we wind up for the budget.

I want to join with the Speaker and the leader of the Conservative Party, for the present time, and the leader of the Liberal Party, in wishing

everybody a very merry Christmas, a very happy Hanukkah and season's greetings to everyone. May we have a good and happy holiday and come back happier in January.

I hope the Conservative Party has a very happy convention that is fairly democratic. I am referring to the family affair, the little private occasion the Conservatives are going to hold next month, about which we are not allowed to know anything. I am going to be there in some capacity assisting our good friends in the media to analyse and understand the complexities of the tribal ritual that will be taking place, the dance of the dinosaurs that takes place once every 10 or 12 years.

We look forward to the result. We look forward to whatever 1985 may bring. We think it is going to bring much happiness and even greater good cheer than we have found in December 1984. I am a lot happier in December 1984 than I was in December 1983, and that is a good sign.

10:20 a.m.

ROLE OF PROVINCIAL AUDITOR

Mr. Kolyn: Mr. Speaker, on a point of privilege: The Leader of the Opposition accused me in the House yesterday of trying to intimidate and censor the Provincial Auditor because I asked the auditor in committee about the use of the term "whitewash."

I quote the auditor at the standing committee on public accounts on December 13: "I believe the question really concerns one alleged statement, the use of the term 'whitewash.' Certainly it was not my intention to say that the Hydro review had been a whitewash and I did not believe that I had said that."

The Leader of the Opposition also stated in the House, referring to the auditor, that "if everything he says is to be subject to dissection by certain members of the committee, he would be less than honest if he were to say that the actions of the Tories would not make him more cautious about public statements."

That is not true. The auditor did not make any specific reference to anyone on the public accounts committee. In Instant Hansard, at page A-1140-3, this is what the auditor said: "I did not look upon the matter that was raised today as intimidating myself or my office in any way. I looked upon it as an honest attempt to get a clarification as to what I said or what I meant."

Mr. Speaker: Order. I want you to identify your point of privilege and not to read from the record or quote other members.

Mr. Kolyn: I am coming to it now.

The auditor continued: "However, I would be less than honest if I did not say that it has caused me to reflect upon how I should proceed in the future with regard to television, newspaper or radio interviews."

Please note that the auditor was referring to the media and not to the members.

The auditor then said: "I would certainly be concerned if everything I said would be subject to dissection and perhaps misinterpretation or quotes out of context or what have you and that resulted in me having to come before the public accounts committee.... However, I do not think that we are going to be discouraged by one incident. This office is relatively new at the game of co-operation and dealings with the media. We certainly"—

Mr. Speaker: Order. I must advise the honourable member that is not a point of privilege. However, it was rather interesting.

Mr. Peterson: Mr. Speaker, on a point of privilege: With respect to the remarks raised by my honourable friend—

Mr. Speaker: On a point of information.

Mr. Peterson: Mr. Speaker, it is a point of privilege. It was very clearly stated by the auditor that the Tory majority curtailed his investigation to some extent.

Interjections.

Mr. Speaker: Order. The honourable member will resume his seat.

EQUAL OPPORTUNITY IN ATHLETICS

Hon. Mr. Ramsay: Mr. Speaker, this morning I am pleased to make public the second volume of the report of the Task Force on Equal Opportunity in Athletics. It studies sports at all levels of Ontario's educational institutions and completes the work of the task force.

The task force was established by the government in April 1982 to recommend measures to achieve and maintain equality of opportunity for the sexes in athletics in Ontario. That was a tall order. John Sopinka, QC, the chairman, a prominent lawyer who had a formidable athletic career himself, immediately appointed two distinguished Canadian athletes as advisers: Ms. Cindy Nicholas, the marathon swimmer, and Ms. Debbie Van Kieckebelt, the pentathlete.

Mr. Speaker: Order, please. Will the honourable members please conduct their private business elsewhere or resume their seats?

Hon. Mr. Ramsay: It was just a year ago that I brought to this House volume 1 of *Can I Play*, in

which the task force considered amateur athletics in the community. I am pleased to report that since the publication of volume 1, there has been public feedback from notable athletes and quite a demand for copies of the report.

We have established an interministerial committee to find the best method of proceeding with the 24 recommendations of volume 1. On this committee sit representatives from the ministries of Tourism and Recreation, Education, Colleges and Universities, the Ontario women's directorate and the Ministry of Labour, including the Ontario Human Rights Commission.

The Ministry of Tourism and Recreation has provided special funds to support particular projects of 10 community organizations designed to attract female participants and to provide new or improved programs or services for them. Additionally, that ministry now asks all its funded clients to report on female participation in their programs.

Volume 2 of *Can I Play* recommends both moral suasion and legislative changes to achieve and maintain equality of opportunity in athletics for the sexes at all levels of Ontario schooling. Within the 23 recommendations Mr. Sopinka makes relating to elementary and secondary schools, he addresses Ministry of Education guidelines on fitness, coeducational classes and competition and role models for girls. He recommends a strengthening of the policies and guidelines of the Ministry of Education to affirm a policy of equal opportunity in athletics and monitoring of compliance by requiring information from boards of education.

The task force does not recommend any change in the existing provisions of the Human Rights Code vis-à-vis elementary and secondary schools. The code states that the right to equal treatment with respect to services and facilities is not infringed where membership in an athletic activity is restricted to persons of the same sex.

The task force states that school boards should treat female physical education specialists as a separate category in order to stem the decline in their numbers. This decline occurs when male and female school athletic departments are unified and a position is abolished. More often than not, it is the female instructor who is the junior.

The task force further recommends that school boards establish committees to deal with women's issues and to encourage contact between school boards and municipal recreation committees.

At the post-secondary level, Mr. Sopinka notes that while male and female students contribute an equal portion of their student fees to finance athletic programs, females receive an unequal portion of the budget for their activities. He also says that teaching and coaching imbalances persist and that male sports are more heavily promoted at the post-secondary level in Ontario.

10:30 a.m.

With regard to colleges and universities, Mr. Sopinka recommends removal of the exemption imposed by subsection 19(2) of the Human Rights Code, whereby membership in an athletic organization may be restricted to persons of the same sex. He further recommends that subsection 19(2) be amended in favour of females only to prevent domination of female sports by males.

I expect there will be a good bit of public discussion of this second report of the Task Force on Equal Opportunity in Athletics and I would appreciate receiving comment from the public by next March 31.

I wish to advise the members of the Legislature that Mr. Sopinka will be available to answer questions in the press studio approximately half an hour after question period today. I am sure honourable members join me in thanking Mr. Sopinka and his conscientious task force members for this very thorough review.

MUNICIPAL TAXATION EXEMPTION

Hon. Mr. Gregory: Mr. Speaker, under the Assessment Act, machinery and equipment used to operate amusement rides such as roller-coasters, monorails, slides and ferris wheels, as well as the rails, trestles and foundations that support these rides, are liable to taxation by municipalities.

This provision has been under active discussion during 1984. Several of my colleagues in cabinet and some of the honourable members opposite have expressed concern that it negatively affects the expansion and development of the tourist industry in Ontario. After careful review, I have concluded that amusement rides play a role in the tourist industry similar to that played by tax-exempt machinery and equipment in the manufacturing and industrial sectors.

It is therefore my intention to introduce a bill at the next session amending the Assessment Act to exempt amusement rides from municipal taxation, beginning in 1985. Since in the short term this will result in a loss of revenue to the municipalities involved, the proposed legislation will permit my colleague the Minister of

Municipal Affairs and Housing (Mr. Bennett) to make compensating grants extending, in decreasing amounts, over three to five years.

I am sure that over the longer term municipalities will derive sufficient economic benefit from improved tourist facilities to offset the relatively insignificant tax loss and that the bill will support Ontario's tourist industry without adversely affecting municipalities.

ORAL QUESTIONS

ABORTION CLINIC

Mr. Peterson: Mr. Speaker, I am delighted the Premier is here today, and I am going to ask him a question about the Morgentaler case.

It is obvious there is a division in his cabinet. He will be aware the Attorney General (Mr. McMurtry) issued a plea for restraint on Tuesday last, and it appears that plea has been ignored. I am sure the Premier is sad to see the sorry spectacle on a daily basis of police protecting that institution, with picketers from both sides fighting and arrests being made. I am sure he will agree the situation has been exacerbated—in fact, passions have not been cooled, they have been inflamed—by this lack of leadership from his government.

Is the Premier happy about what is happening right now? What leadership is he going to exercise to end this sorry spectacle?

Hon. Mr. Davis: Mr. Speaker, I doubt that any of us is happy about the particular situation. I have complete confidence in the capacity of the ministers of the crown who have an interest in this area to deal with their responsibilities in the appropriate fashion.

Mr. Peterson: They do not agree, however. There is no action, and the Premier has not been here to assert his leadership. I am asking him, as the still current head of government, what is he going to do and what instructions is he giving his Attorney General or his Solicitor General (Mr. G. W. Taylor)? How is this matter going to be resolved? Surely, that is his responsibility. Even on this last day, when I would very much like to charitable, he cannot avoid that responsibility. As the head of government, what is he doing?

Hon. Mr. Davis: I would say that if anybody is attempting to exacerbate the situation at the moment it is the Leader of the Opposition.

Mr. Rae: Mr. Speaker, I simply say to the Premier and to the leader of the Liberal Party that if the Premier were ever to give instructions to the Attorney General with respect to a legal matter before the courts, I would find that to be not only

improper but also highly irregular and completely out of order.

Mr. Kerrio: Is the member ever naive.

Mr. Rae: Let the members think about it for a moment. Do they really want the Premier telling these people when and what to do with respect to matters affecting the crown law officers? That would be unbelievable. If we ever found that it did happen, it would be completely irregular and unconstitutional given the practice in all the common law countries.

What is the government's interpretation of the meaning of the acquittal of Dr. Morgentaler and his colleagues a couple of weeks ago?

Hon. Mr. Davis: Mr. Speaker, I do not think it is our responsibility to interpret. The Attorney General has indicated to the public of this province that the results of the case are under appeal. It would be improper for me to comment until that appeal is heard.

Mr. Peterson: Obviously the policies of the Solicitor General and the Attorney General are not coming together. If the Premier is trying to stand in this House—

Hon. Mr. McMurtry: That is nonsense.

Mr. Peterson: Is the Attorney General talking or not talking? Is he talking with the police and with his own crown law officers? He avoids responsibility on some occasions by saying it is someone else's fault, and on other occasions he takes responsibility. He has created tremendous confusion.

The results of the policies of this government are obvious on the streets today. That is the reality. If the Premier does not want to take responsibility, he can turn it over to the Attorney General or to the Solicitor General; but they are not taking responsibility either. Surely the Premier cannot be pleased to watch what is going on in a province where he is the head of the government. Is it not his responsibility to make sure government policy is being implemented? What is that government policy? What are the Solicitor General and the Attorney General going to do?

Hon. Mr. Davis: The Leader of the Opposition should read the definition of responsibility and then apply it to his own attitudes and questions in this situation, such as trying to get me to say I will instruct the Attorney General to take certain actions, which would be totally improper.

SPADINA EXPRESSWAY

Mr. Peterson: Mr. Speaker, I will ask the Premier about something that is in his area of

competence. The Premier will recall that he rode into office on a white charger in 1971, full bore down the Spadina expressway.

What is the Premier going to do to honour his promise made in 1971? Is he going to bring in legislation? Is he going to do something definitive to stop the extension of that highway, or is he going to leave it up in the air and let his successor deal with it? Is he going to let the great promise he made go unfulfilled?

Will the Premier give us a definitive statement in this House today, his last day in this House as Premier, of what he is going to do to honour his promise?

Hon. Mr. Davis: Mr. Speaker, it is interesting that when I first assumed office Spadina was something of an issue, and that when I am about to leave office it may or may not be an issue. As I relive a little history for the Leader of the Opposition, one of the great problems of the Liberal Party in those days was that it had no position on Spadina. Some of its members wanted to build it to Rochester, and others did not want to build it at all. I doubt if that party has a unanimous position on it today.

I look at some members opposite and I think, as is the case with many of the Liberal Party policies, that there is total fragmentation within their caucus on this issue. I offer that only as an observation and suggest to the Leader of the Opposition—

Interjections.

Mr. Speaker: Order.

Mr. Peterson: This is just like so many other issues. They were issues when the Premier took office in 1971 and they are still issues, only worse, in 1984. That is the hallmark of his leadership, if he wants to be partisan. He is talking about then, but my question was what is the Premier going to do to honour his promise? Is he going to keep the promise or is he going to be immortalized as one who broke his promises?

Hon. Mr. Davis: Unlike the Leader of the Opposition, I have no expectation of being immortalized; that has never been an ambition of mine. I expect his immortality will be his rather singular lack of success, although I have to interject that I was impressed by Shelley's contribution in the past couple of weeks. The honourable member might seriously consider asking her to assume his responsibilities. I have suggested to Kathy that she run in Brampton; so I am not saying anything to the member I have not said to myself.

10:40 a.m.

The Minister of Government Services (Mr. Ashe) has outlined to the House what has transpired. My understanding is that the documentation is to be finalized this coming week wherein title will be assumed by the province with certain leaseback arrangements to Metropolitan Toronto. The question of the three-foot strip will be determined when we get title to that parcel of land.

I can only ask the Leader of the Opposition if he has his Queen's Counsel yet. He was given his QC? So this means he is very knowledgeable in the law, he has a total understanding of what the law says. So he does understand that whatever arrangements we may make with the city of Toronto, by way of deed or lease of the three-foot strip for 99 years, that would make it far more difficult for Metropolitan Toronto to expropriate the lease, which might be its legal right; if we were the owners of that and had just a lease arrangement with the city that would not be possible.

I hope the Leader of the Opposition understands that I said this government would not agree to the extension of Spadina. That is still the policy and I would be very surprised if that policy were to ever change. I doubt that it will.

I have been reminded by the Leader of the Opposition and the members of the New Democratic Party on so many occasions that the Legislature of this province is supreme and it is quite within the realms of legal possibility, although I would say not probability, that even if we were to deed or lease the three-foot strip somebody—perhaps the member—might introduce a private bill saying he would want to extend Spadina. If that bill were to carry, then that would become the law.

Mr. Rae: Mr. Speaker, can the Premier tell us, is he the same William G. Davis who signed a letter dated May 19, 1981, to the member for Wilson Heights (Mr. Rotenberg) in which he states as follows, "I give assurance that if negotiation fails to provide the necessary agreement to put in place the three-foot reserve at the Eglinton terminus of the Allen arterial road, by way of grant or lease in favour of the city of Toronto, then government legislation will be introduced to do so"?

If he is the same William G. Davis who signed that letter, where is the legislation?

Hon. Mr. Davis: Mr. Speaker, I think the letter is fairly clear: it says if we are not in a position; however, I expect by some time next

week we will be the owners of that three-foot strip.

Mr. Peterson: To make this simple, with all the bobbing and weaving the Premier has done for the last 13 or 14 years, he has not honoured his promise and he is making it very clear again that his successor could change it. Is that not true?

Mr. Nixon: And probably will.

Mr. Peterson: And probably will, depending on who is elected.

Does the Premier not feel somewhat badly that his premier promise of 1971 will not be honoured?

Hon. Mr. Davis: With great respect, while I made the decision along with my cabinet colleagues not to approve the extension of Spadina, I would have to believe there have been other modest issues in the intervening period.

I also have to remind the Leader of the Opposition that in 14 years—

Mr. Epp: Separate schools, for example.

Hon. Mr. Davis: That is right.

Mr. Epp: What a flip-flop that was.

Hon. Mr. Davis: Flip-flop? Does the honourable member remember what his people said in 1975 and what his present leader said in 1977? They were going to have committees and they were going to study it. They would say to one group, "We are going to study it," then quietly indicate to another group, "We are going to do it." Their position on that issue, I would say to the member for Waterloo North (Mr. Epp), was so hypocritical over the years that it was perceived by everybody in Ontario, and he knows it.

Mr. Speaker: I am going to ask the Premier to reconsider the use of the word "hypocritical" and withdraw it, please.

Hon. Mr. Davis: Mr. Speaker, I did not mean to use the word "hypocritical", but "contradictory."

Mr. Rae: Now that we are into contradictions, at the end of the Premier's answer to my question he said he expected something to happen next week with respect to the ownership of the three-foot strip.

Could the Premier could tell us, in words that are understandable even to those of us who are not lawyers and not QCs, exactly what he is talking about? Could he explain that, particularly in the light of the commitment made by one of his putative and possibly happy successors in January, the Minister of Industry and Trade (Mr.

F. S. Miller), who said it is his policy to pave all of northwestern Toronto? That seems to be the objective of his policies.

Interjections.

Mr. Rae: No, I am not talking about the Treasurer (Mr. Grossman). I know he is smiling. One man's arterial road may be paved with good intentions, but they may not be the good intentions he thinks are there.

Can the Premier please clarify exactly what he said with respect to the ownership of this three-foot strip? What does he intend to do with the three-foot strip once he gets it?

Hon. Mr. Davis: I understood the member for York South (Mr. Rae) had studied a little law for a period of time. Did he not study a little law?

Mr. Rae: Yes.

Hon. Mr. Davis: I thought he had. Does he know what leasehold interests are? He understood that; he took law for at least a few months. Quite obviously, it was too much for him.

I thought my answer was very clear: I expect that some time next week the province will have title to that three-foot strip. There have been discussions with the city of Toronto, and the member will know in the fullness of time, which will not be that long, how we intend to approach that three-foot strip.

Mr. Rae: With great respect to the Premier, that is not a satisfactory answer. It is not satisfactory on the last day of the last session of the Legislature in which he is the Premier to tell us that at some future date he will be kind enough to tell us his future plans.

He knows now what his intentions are concerning the three-foot strip, he has made certain commitments in writing to the citizens of Toronto concerning the future of that road and I think he has an obligation on this, his last day in this Legislature, to stand up and answer questions for us that give a very clear indication of what he intends to do.

What does he intend to do with that three-foot strip once he has it? Without getting into any legal gobbledegook, it makes one heck of a difference what he does, what the rights of the parties are and whether legislation is going to be required. I know that much about the law and so does the Premier. I would like him to have the courtesy to tell us today, finally, after his long absence from this place, exactly what he intends to do with that three-foot strip.

Hon. Mr. Davis: I do not want to get personal, but my absence has not been any longer than that of the member opposite was when he

became leader of his party and could not find a seat for several months.

Mr. Foulds: You were elected; you had a seat.

Hon. Mr. Davis: Certainly I had a seat. He could have had one but he did not want one.

Mr. Rae: You did not have the decency to call a bye-election.

Hon. Mr. Davis: Oh, come on. You could not persuade Donald to retire soon enough.

Mr. Speaker: Never mind the interjections, please.

Hon. Mr. Davis: You had not sorted out his retirement allowance. I know all about it. Do not give me this sort of nonsense about not calling it.

Mr. Speaker: Back to the question, please.

Mr. McClellan: Take the high road.

Hon. Mr. Davis: What do you mean, "Take the high road"? I thought that was the member for Sudbury East (Mr. Martel) last night.

I can say this much to the member for York South, I really do not expect that legislation will be required to resolve this issue. As I say, discussions are going on with the city concerning the three-foot strip and whether it will be by way of lease or by way of deed.

Mr. Peterson: The ownership of that three-foot strip is clearly the essential issue in preventing that extension and in honouring the Premier's commitment. Is he going to turn it over to the city in perpetuity or not? Is he going to give it a deed to that strip of property?

That is the issue. The Premier knows that enabling legislation has been tabled by us in this House. It could be done. Is the Premier going to do it or not?

Hon. Mr. Davis: As I understand the position at the moment, and I think I am right in my information, no legislation will be required.

Mr. Rae: That answer does not give me any great cause for happiness. It may simply mean that what the province is going to do will be very temporary and something that can be overridden, not even by legislation of this Legislature but by a decision of one of his successors who thinks the answer to Toronto's problems is to asphalt all of northwestern Toronto.

What is the Premier going to do to protect his promise against those of his successors whose answer to any of Toronto's problems is simply to pave them?

10:50 a.m.

Hon. Mr. Davis: Any of the four very able individuals offering themselves for the leadership of our party are so able, they are going to win

the next election. I give the member that assurance.

Interjection.

Hon. Mr. Davis: Any one of the four. I would be very disappointed if all of them did not feel they had certain things to bring to this position.

Mr. Speaker: Back to the question, please.

Hon. Mr. Davis: He is interrupting.

Mr. Speaker: Never mind the interjections.

Hon. Mr. Davis: I know the Leader of the Opposition hates to be ignored.

Anyway, what did the member ask? He does not get any comfort in my telling him it does not need legislation. All I am saying is that it does not.

My understanding is that the province will have title after the exchange of documents some time next week. We have raised this with the city of Toronto. Whether to protect its interests to the degree that is possible would be better done by leasehold from the province for 99 years or by the conveyance of the three-foot strip is open to question.

Some lawyers would say the city of Toronto's interests would be better served by having a leasehold interest, with the province still having ownership and the right to expropriate, than by Toronto having the three-foot strip by way of title. We are discussing this with the city and I am always open to the best legal advice I can get.

FAMILY LAW REFORM

Mr. Rae: Mr. Speaker, I have a question for the Attorney General. Several times this week we have been asking different ministers what happened to family law reform. We have had several different answers. It appears to have been mugged in the corridors of power somewhere on the way to the cabinet room by a group of people in the Tory party who do not believe in equality between men and women in the division of assets or in the importance of enforcing maintenance orders.

The Attorney General is the same minister who has spoken several times in this House and outside, and I know he would not want to be accused of misleading the press. Where is the Family Law Reform Act? We have been waiting for it. Today is the last day of the session. He promised several times it would be here before the end of the session. Where, in the name of goodness, is the Family Law Reform Act?

Hon. Mr. McMurtry: Mr. Speaker, as I have said on several other occasions in recent weeks, it had been our intention to introduce amending

legislation to the Family Law Reform Act. We had hoped to do this before the end of the session, but, as I indicated to the leader of the third party earlier, we are still engaged in a consultative process, which I realize is a process that is strange to this member's party.

Certain people dictate to his party what it should do at any time and it usually falls very quickly into line. Although the word "democratic" is attached to the party label, the process we on this side of the House follow is in reality much more democratic. We consult with one another and with the public, and we must be satisfied that a reasonable consensus has been reached before we introduce legislation.

Mr. Rae: Listening to the Attorney General talk about democracy is like watching a dinosaur trying to breakdance. It is an absurd sight. He looks ridiculous trying to do it.

He has been mugged by the Provincial Secretary for Justice (Mr. Walker) and others in the cabinet who do not believe in equality and who are not committed to it. He has been involved in a secretive process of delay. He has gone to the media and manipulated them about what is going to happen, and he has the gall to come in here and talk about democracy. He would not know it if he fell over it in the dark.

He has had two and a half years of this consultative process. Even for Brian Mulroney that is a long time to go around consulting people. I know consultation is the vogue; it is the name of the game. However, he has had his period of consultation. Where, in the name of God, is his policy?

Hon. Mr. McMurtry: There are no dinosaurs on this side of the House. When the history of this great province is written, the dinosaurs are going to be seen to have had much greater influence than those people, and they have not been around for a while. They have not been around for a long time, but their place in the history of this province will be more significant than that of the New Democratic Party.

The people on this side are committed and dedicated to equality. This legislation will have a high priority in the next legislative session. The members are going to see the best legislation this country can produce.

Mr. Wrye: Mr. Speaker, I understand some of the Attorney General's cabinet colleagues have admitted they are dinosaurs and said they are proud of it.

Interjections.

Mr. Wrye: If they all want to stand up and claim they are proud of it, they can.

In April or May 1984, the Attorney General said we would have this legislation and that the consultative process was complete. Now on December 14, with the year over and with legislation an impossibility for this session of the Legislature, he is still talking about consultation.

Is the consultation complete? Is the bill going to be ready for spring? What new promise is he willing to make on this last day of the session?

Hon. Mr. McMurtry: Mr. Speaker, we will have the legislation ready for very early in the next session.

Mr. Rae: That commitment is worth the same as every commitment he has made since 1982—absolutely nothing. He is not committed to it and his party is not committed to it.

Can the Attorney General explain why the policies with respect to family law reform are no longer pre-Keynesian but are now pre-Cambrian? Is he denying that a draft bill has been submitted and circulated and that he has not been able to generate the necessary consensus in cabinet for that draft bill? Is it not a fact that the cabinet is divided? It is a secretive process. Is that what he calls democratic?

Hon. Mr. McMurtry: We have had important discussions around the cabinet table, but I have not seen any draft legislation. No draft legislation has been circulated and no draft legislation has been hidden from anybody.

Mr. Speaker: The Minister of Labour has the answer to a question asked previously.

PLANT SHUTDOWNS

Hon. Mr. Ramsay: Mr. Speaker, on December 4, in response to a question from the member for Hamilton East (Mr. Mackenzie), I undertook to review the figures relating to plant closures and layoffs for the nine-month period ending September 1984 and to report back to the House.

I have had an opportunity to review the figures and I wish to clarify earlier statements made with respect to comparisons of 1984 and 1983 regarding closures and permanent layoffs.

As the honourable member knows, the ministry differentiates a number of different categories of layoffs in the figures it reports. First, there is a requirement for companies to inform me whenever a closure or partial closure affects 50 or more employees. We have complete and accurate information on this category.

For the first nine months of 1984, there were 45 such episodes and the total number of employees affected was 5,087. In the corresponding nine-month period for 1983, the number of closures was 49 and the number of

employees affected was 4,996. In other words, in this category the picture, while sad, has been relatively stable.

The second category relates to complete or partial closures where fewer than 50 workers are affected. Our best information regarding this category is as follows: in the first nine months of 1984 we have data on 43 such cases affecting 1,275 workers. The numbers for the corresponding period in 1983 were 20 episodes and 569 workers.

11 a.m.

On balance, the member for Hamilton East is correct in his assessment that, taking both complete and partial closures, large and small, the situation in 1984 is somewhat worse than it was in the corresponding period a year ago.

The third category of workers relates to those who are permanently laid off as a result of reduced operations. Here the situation has improved remarkably over the past year. For this category we have reliable figures only with respect to reduced operations where 50 or more employees are affected, since in such cases the employers are required to notify the ministry. In the first nine months of 1984, there were 35 such instances affecting 3,503 workers compared with 45 cases affecting 8,329 workers in the same period in 1983.

When one aggregates the figures relating to workers affected by reduced operations on which we have reliable information with the complete and partial closure information, we obtain an aggregate picture which indicates a significant improvement in the situation on laid-off workers in 1984 as compared with 1983. It is this improvement to which I was drawing attention in my earlier response. I would be pleased to provide to the member the rationale and backup material for this information I have provided here today.

Mr. Kerrio: Mr. Speaker, in arranging those figures to come to the realization of how many plant closures we have had and how many people have been put out of work, could the minister confirm the monetary settlements? I have a case in Niagara Falls of the Canadian Ohio Brass company where surplus pension funds have not been distributed after a year and a half. Can the minister tell us whether he is actively involved in settling the monetary problems that some of those workers have had for a long time?

Hon. Mr. Ramsay: The answer is affirmative. We get actively involved. In the particular circumstances the member is talking about, he and I have discussed them on previous occasions

and we have tried to expedite matters, as he is aware. That is a matter that is before the pension commission, I understand, and we are hopeful it will be straightened out shortly.

Mr. Mackenzie: I appreciate the minister responding. His figures verify the very point I made. I pointed out to him when I raised it that there was a difference between reduced operations, where there is at least a chance that the operation may come back into further production and employment. The point I made with him, which he has verified, is that in permanent and partial closures, where the operation disappears, the facts are that the figures are worse for 1984 than they are for 1983. It points out the need for this government and this minister to take some action.

ABORTION CLINIC

Mr. Williams: Mr. Speaker, A point of personal privilege.

Mr. Ruston: What is going on in here?

Mr. Elston: Why do we not stop the clock?

Mr. Williams: It is a point of personal privilege. Yesterday in the House, in a question of the Provincial Secretary for Justice (Mr. Walker), Instant Hansard at page L-1500-2 indicates I made the following statement.

"Given that serious allegations have been made in the media today, as referred to earlier in the question period, that someone from the office of the Attorney General had intervened to stop a raid on the clinic by the chief of police..." and carries on from there.

That in itself is an appropriate comment. It has been drawn to my attention that in fact what I said was "Someone from McMurtry's office had intervened." While that is not unparliamentary, I consider it to be disrespectful and I would like it to be known I have the highest regard and respect, not only for the office of the Attorney General, but also for the Attorney General himself. I wanted to be assured that the final edition of Hansard reads as it is in the Instant copy.

INTERNATIONAL YOUTH YEAR

Mr. McGuigan: Mr. Speaker, my question is to the Provincial Secretary for Social Development. His recent letter of November 30 says that his secretariat will be developing the leadoff for Ontario's participation for International Youth Year, which is 1985.

A survey was completed over the summer of 1,000 youths in Scarborough, 67 per cent of whom were between the ages of 15 and 18. I

believe it is representative of the hopes that youth hold for International Youth Year. When asked, "What is the most pressing problem, issue or concern affecting Scarborough youth, your friends or you personally?" 66 per cent said it was unemployment. In fact, when they were asked, "If International Youth Year were to accomplish one thing for you, what should it be?" the answer was more jobs.

Can the provincial secretary tell us how Ontario will respond to the concerns of our youth, 152,000 of whom were out of work in November 1984?

Hon. Mr. Dean: Mr. Speaker, not only as part of International Youth Year but also as part of the ongoing policy of our government, many programs have already been put in place to deal with the very real problems of unemployment among our youth. I refer the honourable member particularly to the youth works program, youth venture capital and the youth corps, which have been in place for varying times this year and are ongoing.

The interest in these programs, especially in the excellent services being provided in this whole area by the youth employment counselling centres, is very high. We are very pleased with the way the centres are fulfilling their obligation and our intention to address the need, which is certainly very real, for employment among youth.

Mr. McGuigan: We realize that some efforts are going on, but it will shortly be 1985, International Youth Year. The secretariat is doing nothing more than acting as a co-ordinating unit. The minister has allocated no funds.

Mr. Speaker: Question, please.

Mr. McGuigan: When is he going to do something that will match the work of provinces such as Quebec, which has actually set aside \$10 million in the agency dealing with 1985 and the youth year? What is he going to do specifically?

Hon. Mr. Dean: Our particular focus through this secretariat, in addition to the provision and supervision of the youth employment programs I have just described, is on positive images of youth, because we recognize the young people in our society are not all unemployed.

In addition to the employment programs we are carrying on, we are going to emphasize as much as we can the actual achievements of young people in our society, which are considerable and which are often lost in the adverse image that is created in the public eye by the small percentage

who are perceived as negligent, indifferent or actually hostile to society. We are emphasizing positive images of youth under the general caption of visions of the future.

My secretariat, as the member knows, is not a program deliverer but rather a co-ordinator. That is why we do not have in our budget the millions of dollars that other jurisdictions are spending on this program.

I would also like to mention that I recently met with Mme Andrée Champagne in order to co-ordinate what our government and the federal government are doing for International Youth Year.

PATRONAGE APPOINTMENTS

Mr. Philip: Mr. Speaker, I have a question for the Deputy Premier in the absence of the retiring Premier. My question concerns patronage appointments.

The Deputy Premier will be aware there are approximately 3,500 patronage appointments in this province, 2,500 of which are at the disposal of the cabinet and 1,000 of which are made by the Premier himself. The minister will also be aware that about a third of the defeated Tory candidates from the last election have obtained patronage appointments of some kind.

Mr. Speaker: Question, please.

Mr. Philip: Is the minister now prepared to accept the recommendations of the 1981 all-party standing committee on procedural affairs and put an end to this patronage system once and for all?

Hon. Mr. Welch: Mr. Speaker, the question carries certain assumptions that should be challenged. We always seek the most qualified and competent individuals to serve in particular areas of responsibility. I think the honourable member should be very pleased to know this is our policy.

Mr. Philip: The procedural affairs committee outlined a very detailed procedure by which the back-door patronage system in this province could be eliminated.

Mr. Speaker: Question, please.

11:10 a.m.

Mr. Philip: Since there will be a flood of appointments by the present Premier prior to his retirement next month, is it not now time to do what this all-party committee recommended, namely, to open up the positions of agencies, boards and commissions to all members of the public and to do it in an open way rather than in the back rooms of the Conservative Party?

Hon. Mr. Welch: I am not aware of any flood of appointments that is soon to descend upon us.

As far as I am concerned, anyone who is interested in serving on any board, agency or commission is at liberty to indicate that through his or her respective member. The most competent, qualified people will always be chosen through the selection process.

Mr. Bradley: Mr. Speaker, will the minister speak to his friend the Minister of Consumer and Commercial Relations (Mr. Elgie) to ensure that all future hiring at the Liquor Control Board of Ontario offices is done through the Canada Employment and Immigration Commission?

Mr. Kerrio: Now wait a minute; that is sacred.

Hon. Miss Stephenson: The member for Niagara Falls may not want his candidates to be subjected to that.

Hon. Mr. Welch: I do not want to upset the member. Perhaps I had better consult him first before I go to that.

Certainly we seek very qualified and competent people. As the member will know, being a member of the Legislature, there are many who walk into the various stores and ask for application forms. There is a very objective selection process which follows with respect to that matter.

Interjections.

Mr. Speaker: Order.

ABORTION CLINIC

Mr. Williams: Mr. Speaker, I did have a question for the Attorney General, but I do not see him in the House. Since he is not here, I will direct my question to the Minister of Health.

In the case of Regina versus Morgentaler, Smoling and Scott, one or more of those doctors openly and boastfully admitted to breaking the civil and criminal law of the land by illegally operating in unlicensed medical hospitals to perform illegal abortions. One or more of those same doctors appear to have once again expressed a clear intent to do so and there appears to be considerable evidence of that being undertaken at this time.

Given these facts, will the minister use his good offices to approach the board of management of the medical profession in this province, the College of Physicians and Surgeons of Ontario, to have these self-same doctors brought before the disciplinary committee of the college to explain their reasons for being in apparent violation of their professional code of ethics?

Hon. Mr. Norton: Mr. Speaker, I want to assure the honourable member and other mem-

bers of the House that I have already reviewed with my legal advisers the scope of my duty, responsibility and authority under the Health Disciplines Act. I had discussions with my legal advisers as recently as this morning. It is my intention to review the matter further over the weekend. I want to assure the member that I shall discharge my responsibilities under the Health Disciplines Act fully once I am satisfied as to their scope.

Mr. Williams: Given the seriousness of professional misconduct of this nature as it relates to illegal acts that offend our civil and criminal law, does the minister not consider it to be something he should address on an emergency basis? Can he give assurances he will use his good offices forthwith to pursue this matter and approach the College of Physicians and Surgeons of Ontario to get its assistance in this matter?

Hon. Mr. Norton: I think it is a very serious matter. Once I am satisfied as to what my responsibilities are under the statute, I will not delay one way or the other, whether it be that I do have a duty to respond in a particular way as set out in the act or whether I perhaps do not have that authority. I can assure the member I hope to know my response by early next week.

WATER QUALITY

Mr. Van Horne: Mr. Speaker, I have a question for the Minister of Health. The minister knows that on more than one occasion this fall I have expressed concern on behalf of the people in the Pottersburg Creek area in London, Ontario, about the polychlorinated biphenyls that have been found in that creek.

The ministry's maximum standard for safe handling of PCBs is 50 parts per million. Two recent samples taken from the creek registered 280 in one instance and 1,350 in the other. Given that he wrote to me in November, saying Dr. Hutchison, the local medical officer of health, had not declared the creek a health hazard, can he tell me whether these recent findings are proof enough for him and/or Dr. Hutchison to declare the Pottersburg Creek area a health hazard?

Hon. Mr. Norton: Mr. Speaker, I have not had occasion to discuss those results with Dr. Hutchison. I shall certainly inquire whether he is aware of those results and what his opinion of them is. It obviously requires an informed, professional assessment. It is not something that I as a layman would respond to without appropriate professional advice.

Mr. Van Horne: I respect that statement, but I point out that the minister's colleague the

Minister of the Environment (Mr. Brandt) has kept close tabs on the situation through his officials in London and he is informed. It appears this minister is not informed.

Let me stress again the health concern that the people in my riding have. In one breath they are told the health hazard is not there and then they look out the window and see someone from the Ministry of the Environment, dressed in protective clothing like a moonwalker, protecting himself to the nth degree from the possibility of being in touch with the stuff.

They do not accept the statement the medical officer of health repeats in our local media that there is no health problem there. I ask the minister whether he will direct the medical officer of health or some of his staff to proceed with a health survey of the citizens living adjacent to the creek.

Hon. Mr. Norton: I would normally proceed with such a health study only if I were advised by the medical officer of health that it was necessary or desirable such a study be conducted. At the moment, I have not had such advice, but pursuant to the honourable member's raising these recent results, of which I was unaware, I will arrange to consult the medical officer of health through senior officials in my ministry to see what the appropriate action might be.

Mr. Charlton: Mr. Speaker, a group of workers worked on a government-sponsored job creation program this summer doing bank stabilization in Pottersburg Creek in the area of the contamination that is now coming to light. In addition to an investigation in regard to the people living along the creek, is the minister prepared to do an investigation of the people who worked in that creek all summer to see whether there are any indications they have high levels of PCBs?

Hon. Mr. Norton: Mr. Speaker, I am willing to consult the medical officer of health and my colleagues the Minister of the Environment and the Minister of Labour (Mr. Ramsay) on that matter to see what the appropriate response might be.

11:20 a.m.

HYDRO RATES

Mr. Swart: Mr. Speaker, my question is for the Minister of Energy. On this last day the House sits prior to the implementation of the 8.6 per cent increase in Ontario Hydro rates on January 1, will the minister recommend to cabinet that the proposed 8.6 per cent increase in the wholesale rates not be implemented in

January 1985 but be frozen for at least six months to allow a select committee of this Legislature to examine the overall operations of Ontario Hydro and make recommendations on rates and capital expenditures.

In thinking about his answer, will the minister take into consideration the statements of three of the four leadership candidates, who are currently senior members of cabinet, that they are dissatisfied with the operation and/or control of Ontario Hydro? Will he also take into consideration the very sound principle that the Ontario Energy Board, and not Ontario Hydro, should make the final decision, subject only to appeal to cabinet?

Hon. Mr. Andrewes: Mr. Speaker, I remind the honourable member that the rate submission for 1985, as proposed by Ontario Hydro, was given a full review by the Ontario Energy Board last summer, and the Ontario Energy Board recommended the 8.6 per cent figure.

Mr. Swart: Is the minister not aware that Ontario Hydro has deviated before from the recommendation of the Ontario Energy Board? The board has no authority. Is he not aware of the damage to the economy of this province when Hydro levies something in the order of \$325 million more against those people, plus distribution costs?

Is the minister aware that Hydro-Québec has postponed rate increases? It is not going to have an increase on January 1, 1985; it is postponing the increase to July 1, even though it had an increase of only three per cent to four per cent last year. Is it not true that the only ones who are really shafting the public on energy costs are the minister's colleagues in Ottawa and this government? Why not have a public review of these exorbitant hydro rates that are being implemented?

Hon. Mr. Andrewes: The member is correct; the board of Ontario Hydro has on occasion varied the recommendation of the Ontario Energy Board. To my knowledge, it has varied the rate twice during the past decade in setting a rate higher than what the board recommended; there were two other occasions on which it set a rate lower than what the board recommended. If I am accurate, on the other six occasions it set the rate based on what the board recommended.

As I have done on many occasions, I stress that Ontario Hydro's rate increase is necessary to retain the strong financial position of that corporation. I remind the member for Welland-Thorold that Ontario Hydro's rates remain among the lowest in North America. Hydro is

still one of the best energy bargains in North America.

Mr. Kerrio: Mr. Speaker, if the minister is absolutely convinced that Ontario Hydro is as efficient as he describes, why does it not have to answer to the Ontario Energy Board and live within the limits that are imposed, as the gas companies have to do? Why does the minister legitimize the rates of Ontario Hydro by insisting they are the lowest in North America? Is he aware there are many jurisdictions across Canada, particularly some of the major producing provinces, that have rates much lower than those of Ontario Hydro? Why does he not compare the rates with those in jurisdictions across Canada, rather than comparing them with our cousins to the south—Mulroney's people?

Hon. Mr. Andrewes: Mr. Speaker, I believe the honourable member understands that by statute, the board of Ontario Hydro is required to set the Ontario Hydro rate for bulk sales to municipal utilities and direct customers. That is a statute in place today, and my understanding is that it will be in place when the 1985 rate is set.

NEIGHBOURHOOD IMPROVEMENT PROGRAM

Mr. Ruprecht: Mr. Speaker, in the absence of the Minister of Municipal Affairs and Housing (Mr. Bennett), I would like to ask the Treasurer why the government has strangled its neighbourhood improvement program by reducing its funding from \$12 million in 1984 to only \$7 million in 1985, completely cutting off large communities such as Toronto and Ottawa? Is this the first nail in the coffin of a doomed program?

Hon. Mr. Grossman: No, Mr. Speaker.

Mr. Ruprecht: As the Treasurer knows, the city of Toronto was counting on receiving \$500,000 next year, an amount it intended to match so the Davenport west community could receive badly needed improvements. The proposal was developed by area teachers, social workers, home and school representatives and the police to serve the needs of a district with children from 31 different countries.

Why has the Treasurer cut off this community while still funding the borough of East York, which is represented by a cabinet minister?

Hon. Mr. Grossman: What did he say?

Hon. Mr. Snow: It all made sense to me, anyway.

Hon. Mr. Gregory: Use one-syllable words in answering him.

Hon. Mr. Grossman: I know on calmer reflection the honourable member will not want to suggest any political interference in those kinds of decisions.

Interjection.

Hon. Mr. Grossman: I know he would not. I was just giving him credit.

As the member knows, those decisions on funding flow directly from an analysis made by the Ministry of Municipal Affairs and Housing with regard to those priority projects which it thinks are ready to go ahead. His question, therefore, should more appropriately be placed to the Minister of Municipal Affairs and Housing, who I think is in the neighbourhood.

FOREST MANAGEMENT AGREEMENTS

Mr. Stokes: Mr. Speaker, I have a question of the Minister of Natural Resources. Is it accurate to say the minister is aware of a controversy that has arisen as a result of allegations that large licence holders under the forest management agreements are inflating road costs far above what they are allocating for that specific use? Will the minister undertake to do an audit to make sure the funds being expended under the forest management agreements are going for the purposes for which they are intended so we can assure the taxpayers they are getting value for their dollars?

Hon. Mr. Pope: Mr. Speaker, I am aware of the discussion on that point, which is going on in the Thunder Bay area and throughout the province. The forest products industry has indicated that in total forest-management-agreement expenditures its contribution is 40 per cent, which is a new expenditure level for the industry.

However, because of comments that have been made recently, two months ago we began an audit of expenditures on the road program under forest management agreements and of total expenditures under forest management agreements with a view to finding out whether there can be some changes in the rates of payments under the forest-management-agreement arrangements and the true extent of the contribution of the private sector to the forest-management-agreement work being done.

Mr. Stokes: Is the minister aware that one of the vice-presidents for woodlands of Great Lakes Forest Products admitted to the media the costs were inflated, and that the amount claimed for roadbuilding was not a reflection of what it actually cost but they were spending the money for a useful purpose anyway? Does that not bother the minister? What has been the result of

the monitoring he has done to date? Is it conclusive enough that he can assure this House the money being spent on regeneration, silviculture and management purposes is being spent in an appropriate way?

Hon. Mr. Pope: I am aware of the press reports in the Thunder Bay media with respect to that individual. I am not in a position to verify his comments that the money, in any event, is being spent on reforestation and regeneration. One of the purposes of the audit we are carrying on is to prove to ourselves that this is the case and to address the issue of total expenditure and contribution.

11:30 a.m.

OPP DETACHMENT

Mr. Bradley: Mr. Speaker, can the Solicitor General confirm that his ministry has plans to phase out the Ontario Provincial Police detachment in St. Catharines, to move people all over the province and to expand the territory of the Niagara Falls detachment from Niagara Falls to Winona? If that is so, can he tell us whether he is prepared to reconsider that decision in view of the fact there is so much traffic and so many problems that must be confronted by the OPP in that area?

Hon. G. W. Taylor: Mr. Speaker, no decision has been made to phase out what is referred to as the Niagara detachment. That area has a district headquarters in Niagara Falls and a detachment in St. Catharines, located on the Queen Elizabeth Way; both of those cover concurrent traffic areas.

From time to time the OPP does look at its manpower load to see whether there is duplication and whether some of its people should be shifted to other areas of the province where there is demand for their services, particularly in the north, as the honourable members request from time to time. However, there is no decision currently to close the detachment at St. Catharines on the Queen Elizabeth Way, if that is the one the honourable member is referring to.

Mr. Bradley: The information the minister has provided differs from the information that has come to me. The rumours are extremely strong that he is going to phase it out and that it is just a matter of time.

Would the minister not agree with me that in the St. Catharines-Niagara area, from Hamilton right through to Fort Erie, which is increasing in traffic and where the police have to deal with problems associated with other crimes, he would be ill advised to reduce the number of OPP

employees and to have them transferred to other areas of the province unnecessarily when their services are required in our part of the province?

Hon. G. W. Taylor: Whenever there is a change in the work load in a particular area, naturally it is incumbent upon the commissioner of the OPP to decide whether to change the number of officers in the area.

I have talked about this problem with the minister in the area, the Deputy Premier (Mr. Welch). His concern is the same as that of the member asking the questions. There has been some concern that the particular building and those services would be phased out. However, we do provide the necessary people to handle the work load in the area, and if there is an increased amount of criminal activity or an increased amount of traffic activity, the necessary officers will be put into that place to meet the demand for services.

PETITIONS

ROMAN CATHOLIC SECONDARY SCHOOLS

Mr. Kolyn: Mr. Speaker, on behalf of the member for Wellington-Dufferin-Peel (Mr. J. M. Johnson), the member for Parry Sound (Mr. Eves), the member for Durham-York (Mr. Stevenson), the member for Middlesex (Mr. Eaton), the member for St. David (Mrs. Scrivener), the member for Wentworth (Mr. Dean), the member for Brock (Mr. Welch) and the member for Sarnia (Mr. Brandt), I would like to present petitions worded as follows:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include

consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

Mr. Villeneuve: Mr. Speaker, I have a petition identical to the one you have just heard. It comes from Tagwi Secondary School in the county of Stormont in the township of Roxborough. It is signed by 29 staff members.

Mr. Nixon: Mr. Speaker, I have a petition with the same preamble and which concludes:

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for the people to appear and be heard."

It is signed by a number of teachers from the Simcoe-Delhi area in the constituency of Brant-Oxford-Norfolk and by a number of people from Brantford.

Mr. Ruprecht: Mr. Speaker, I would like to present a petition signed by a great number of teachers from Parkdale Collegiate Institute; it reads:

"To the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented, such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

Mr. Edighoffer: Mr. Speaker, I have a petition similar to the previous ones read. It petitions the Ontario Legislature "to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include

consideration of the issue by an appropriate committee of the House with an opportunity provided for the people to appear and to be heard."

This is submitted by approximately 70 constituents from the Mitchell District High School, Stratford Northwestern Secondary School and St. Marys District Collegiate and Vocational Institute.

Mr. McKessock: Mr. Speaker, I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, which states after a similar preamble:

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

It is signed by 37 members of the professional staff of Norwell District Secondary School.

Mr. Charlton: Mr. Speaker, I have a petition addressed to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario; it has the same preamble and states:

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

The petition is signed by 10 residents of Hamilton-Wentworth.

11:40 a.m.

Mr. Piché: Mr. Speaker, I have some petitions to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario, worded as follows:

"We, the undersigned, beg leave to petition the parliament of Ontario as follows:

"Whereas any action to extend public funding to separate secondary schools in Ontario would represent a fundamental change in public policy in our province; and

"Whereas people in a democratic society have a right to be consulted prior to implementation of policies which change long-standing relationships; and

"Whereas there is an understood convention in democratic societies which respect the rule of law that before fundamental changes in public policy are implemented such matters should be debated in the Legislative Assembly with an opportunity for the public to appear and be heard;

"We petition the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

I present this petition and I have a similar petition on behalf of the member for Durham West (Mr. Ashe).

[Later]

Mr. Samis: Mr. Speaker, I have a petition signed by 60 teachers on the staff of Cornwall Collegiate Vocational School petitioning "the Ontario Legislature to call on the government to debate the issue of extension of public funding to separate secondary schools prior to implementation, such debate to include consideration of the issue by an appropriate committee of the House with an opportunity provided for people to appear and be heard."

PENSION FUNDS

Mr. Kerrio: Mr. Speaker, I beg to present a petition to the Honourable the Lieutenant Governor and the Legislative Assembly of Ontario:

"I, Thomas Prue, president of the Unemployed Workers Coalition of Niagara Falls, Ontario, and the undersigned, ask the government to investigate the following items:

"1. The surplus pension fund money involving former employees of the Ohio Brass.

"2. The protection of employees in the event a company is given a grant to locate in Ontario and in the event the company moves after receiving the grant, that the grant money is to be repaid with a penalty to the Ontario government."

This petition is signed by 150 members of the Unemployed Workers Coalition of Niagara Falls. I would like to share the fact that these members gathered together to sign this petition. I am pleased the Minister of Labour (Mr. Ramsay) is here today because he has indicated support of these workers and of the resolution of these problems. I support this petition wholeheartedly.

MOTIONS

HOUSE SITTING

Hon. Mr. Wells moved that the House continue to sit beyond 1 p.m. today.

Motion agreed to.

ORDERS OF THE DAY

COMMITTEE SITTINGS

Hon. Mr. Wells moved, seconded by Hon. Mr. Ramsay, resolution 14.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

SELECT COMMITTEE ON THE OMBUDSMAN

Hon. Mr. Wells moved, seconded by Hon. Mr. Ramsay, resolution 15.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

COMMITTEE SUBSTITUTIONS

Hon. Mr. Wells moved, seconded by Hon. Mr. Ramsay, resolution 16.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon. Mr. Wells moved, seconded by Hon. Mr. Ramsay, resolution 17.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

COMMITTEE MEMBERSHIPS

Hon. Mr. Wells moved, seconded by Hon. Mr. Ramsay, resolution 18.

Reading dispensed with [see Votes and Proceedings].

Hon. Mr. Wells moved, seconded by Hon. Mr. Ramsay, that the resolution be amended by adding that Mr. Shymko be substituted for Mr. Piché on the standing committee on regulations and other statutory instruments.

Mr. Piché: Mr. Speaker, on a point of order: Will the government House leader explain why I am being taken off the regulations committee?

An hon. member: Is the member being dumped again?

Mr. Piché: Yes. The member should see what is behind that. I have no further comment.

Hon. Mr. Wells: I was handed a note. Does the member want to stay on?

Mr. Piché: No.

Hon. Mr. Wells: All right.

Motion agreed to.

STATUS OF BILL

Hon. Mr. Wells moved, seconded by Hon. Mr. Ramsay, resolution 19.

Reading dispensed with [see Votes and Proceedings].

Motion agreed to.

THIRD READINGS

The following bills were given third reading on motion:

Bill 82, An Act to amend the Theatres Act;

Bill 101, An Act to amend the Workers' Compensation Act.

ELECTION AMENDMENT ACT

Hon. Mr. Wells moved third reading of Bill 17, An Act to revise the Election Act.

Hon. Mr. Wells: Mr. Speaker, before you put the question, I want to indicate that this is a major revision of the Election Act, the first for about 15 years.

I draw to the attention of members that the Charter of Rights in the new Constitution of Canada says in section 3, "Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly." Accordingly, this new bill removes the provision that prevented judges and people in psychiatric hospitals from voting and conforms, therefore, with the new Charter of Rights.

Motion agreed to.

METROPOLITAN POLICE FORCE COMPLAINTS PROJECT ACT

Hon. Mr. Drea moved, on behalf of Hon. Mr. McMurtry, third reading of Bill 140, An Act to revise the Metropolitan Police Force Complaints Project Act, 1981.

Mr. Piché: Mr. Speaker, I rise in support of this legislation, Bill 140, that makes permanent the office of the public complaints commissioner. The office was set up in 1981 as an experiment to establish a police complaint bureau independent of the police force. It was viewed by many as a far-reaching, progressive piece of legislation for Metropolitan Toronto.

With some tensions emerging at that time between some of Toronto's ethnic groups and its police force, the government acted. Prior to 1981, all citizens' complaints against the police had been dealt with internally, but now outside channels are available through the commissioner's office.

As stated in a 1984 issue of Canadian Lawyer, almost everyone agrees that the new system is a vast improvement over the old. One of the key reasons for the good reviews for the office has

been the appointment of Sidney Linden as commissioner of the office of public complaints. The wise appointment of Mr. Linden shows the continued ability and effort of the government to ensure the appointments it makes are of the highest quality. The journal *Canadian Lawyer* agrees that Mr. Linden has slowly been gaining the confidence of many ethnic groups in the city of Toronto.

In the Ontario Legislature on June 22, 1984, the Attorney General (Mr. McMurtry) stated that the office of the public complaints commissioner—

11:50 a.m.

The Acting Speaker (Mr. Cousens): Order. I suggest the only matter to be considered on third reading is why it should or should not be brought for third reading. I have not heard you give any reason this bill should not be proposed for third reading.

Mr. Piché: Mr. Speaker, I am coming to why. There are some comments I would like to put on the record.

The Acting Speaker: May I just say that is done during second reading, not during third reading. Please proceed quickly to your conclusion and why you are raising this point.

Mr. Piché: On that point, I agree with the Attorney General completely. As a result of the success, we are now hoping to approve Bill 140 in order to make the office permanent.

The success of this office, however, brings to mind a remark made by Phil Givens during the hearings of the standing committee on administration of justice, of which I was a member. In the fall of 1981, when we examined the legislation that set up the office for its three-year trial period—

The Acting Speaker: I would ask the member to move quickly toward a conclusion or I will rule him out of order very rapidly.

Mr. Piché: I remember Mr. Givens saying that if the bill works in Toronto, it should undoubtedly be applied to the rest of the province. It is upon this point that I wish to elaborate.

The Acting Speaker: I think you have made the point. I will not allow you to elaborate. I thank the honourable member. We are on third reading and the member has made a point that is not pertinent to the third-reading process.

Motion agreed to.

CONCURRENCE IN SUPPLY, MINISTRY OF CORRECTIONAL SERVICES

Mr. McKessock: Mr. Speaker, over the holidays and in the coming year, I hope the minister will have a good look at the resolution I have put on the Orders and Notices. It calls for a moratorium on the spending of capital funds to extend our prison cells and to put the money into alternatives to prisons, such as rehabilitation programs and fine options, etc.

One of the big problems we face in this area is overcrowding in our system. One of the reasons for that is too many remands. I hope the minister will convene a meeting with the justice system before too long to have a good look at the problem in the courts and the slowness of the courts to provide for all these remands that tend to hold our offenders in detention centres, thereby causing overcrowding.

The other reason for overcrowding is too much recidivism in the system. In this regard, we have to look at alternative programs, alternatives to prison and different ways in which we can stop these people from repeating their offences and returning to our prison system.

The solution to some of these problems is what I have mentioned, to speed up the court system. I have an example of a case in Owen Sound that was brought to our attention by the member for Grey-Bruce (Mr. Sargent) yesterday. It is the George Bothwell situation. This case points out the slowness of the courts. This is another area that has not taken the limelight in this case, but to me this is one of the main things it has pointed out.

The offender in this case has been remanded for about two months to January 14. The crown has said it wants that length of time to prepare the case. I feel if they are going to lay a charge, the crown had better be ready to proceed with the case. It does not seem right to me that it can ask for a two-month remand period to enable it to prepare for the case. When the offender is committed to the prison system, this adds to the overcrowding as well. I feel if they are ready to charge a person, then they had better be ready to proceed with his trial.

Another solution to our overcrowding would be the fine options program. People should not be going to jail for not paying fines; prisons should be kept for criminals. We could have more community service orders for these people.

A lot of these things have to be worked out within the whole justice system. I know the Minister of Correctional Services (Mr. Leluk) cannot do it all on his own, that it is a matter for

the justice system. These things have to be looked at. We have to look more closely at the fine options program.

Concerning repeaters, the money that is now being used to build new jails should be going to alternatives to jail, such as more community resource centres, rehabilitation programs and programs to integrate the offender back into society. A lot of people are at fault for the fact we are not integrating them back in and for what I feel is the problem of too much recidivism.

I might tell members just one story about a case in Mississauga in which the council refused an offender's request for a refreshment vehicle licence so he could go around with his truck at coffee breaks, etc. He had been in this business before he went to jail. When he came out he started in the business again, asked for a licence, was turned down and was told to come back when his parole ran out a year and a half later.

To me, society in this case is not helping to integrate the offender back into society. It is not a case of an employer saying, "I do not want to hire the fellow because he is an ex-con"; it is a case of a municipality saying, "We do not want to license him because he is an ex-con, even though he is going to provide employment for himself."

What is a person such as this supposed to do for the next year and a half? He has offered to employ himself and yet he is turned down when he tries to do so. Society has to help out in this regard and try to help integrate these people back into society.

We all realize they have broken the law and they have to pay the penalty, but we also realize that the sooner they get rehabilitated and integrated back into society, the less it is going to cost us as taxpayers when they fit back into the system, take up employment and support themselves rather than be supported behind prison walls or on welfare.

As I say, we all have to play a part in reducing this recidivism. I will just mention four areas in which we can help. First, we should have better rehabilitation programs. Second, we should have more offenders directed to community resource centres. Third, we should keep those people who do not pay their fines out of jail, where the chances are they will become further infected by the criminal element; they should not be going to jail. Fourth, we should have more volunteers. I think the Ministry of Correctional Services should encourage more voluntarism; in a lot of cases the only chance an offender has for rehabilitation is through a volunteer association.

12 noon

I hope the minister will take action in these areas in the new year; and I hope that in a very short time we will have less overcrowding in our detention centres, less recidivism and more integration of the offender back into society, thereby having a better society.

Hon. Mr. Leluk: Mr. Speaker, I appreciate the comments of the member for Grey (Mr. McKessock). However, as exhibited in his one-man commission report, I think he lacks a total understanding of this ministry and the programs we offer, not only in our institutions but on the community side.

The Ontario Ministry of Correctional Services is the model for corrections anywhere in North America. We have programs in the community as alternatives to incarceration that are second to none anywhere, not just in North America but anywhere in the world. People from various jurisdictions come to this province to study our community programs. I am very proud of what our staff has done over the years.

The member for Grey has suggested I might look at his resolution over the Christmas holidays. I might suggest to him that he spend some time studying the programs, functions and objectives of this ministry so he might have a better understanding in the new year of what this ministry is all about.

Resolution concurred in.

CONCURRENCE IN SUPPLY, MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

Resolution concurred in.

CONCURRENCE IN SUPPLY, MINISTRY OF THE ATTORNEY GENERAL

Mr. Ruston: Mr. Speaker, I would like to express very briefly to the Attorney General (Mr. McMurry) my concern with regard to the latest reports in the Toronto Star on the appointment to the Metropolitan Board of Commissioners of Police. I am wondering what the minister is using as a guideline and what the qualifications are of Mr. Clare Westcott, who has been very involved in the government and in politics—not only he but also five members of his family. I am concerned with the appointment system the minister is using.

I still think it would be much more acceptable to the general public if a notice were put out announcing that an appointment was to be made to the Metropolitan Toronto police commission. If the government were to advertise the position

and then turn those applications for it over to the Legislature's standing committee on administration of justice, which would be empowered to recommend two or three candidates for selection by the minister and the Premier (Mr. Davis), I think that would be much more acceptable to the public of Ontario.

Hon. Mr. McMurtry: Mr. Speaker, this falls within the jurisdiction of the Solicitor General (Mr. G. W. Taylor), but I would like to say that I endorse the appointment that has been made to the Metropolitan Board of Commissioners of Police. Mr. Westcott will make an excellent contribution on behalf of all the citizens of Metropolitan Toronto to the work of that board of police commissioners. I would think that because Mr. Westcott is well known to members on both sides of the Legislature, his qualities would be equally well known to them and they would all want to applaud the wisdom of this appointment.

Resolution concurred in.

Resolutions for supply for the following ministries were concurred in by the House:

Ministry of the Environment;

Provincial Secretariat for Resources Development;

Ministry of Energy;

Ministry of Agriculture and Food;

Ministry of Tourism and Recreation;

Ministry of Consumer and Commercial Relations;

Ministry of Industry and Trade;

Management Board of Cabinet;

Ministry of Labour;

Ministry of Education;

Ministry of Transportation and Communications;

Ministry of Community and Social Services;

Ministry of Colleges and Universities.

HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 136, An Act to amend the Highway Traffic Act.

Motion agreed to.

Bill ordered for committee of the whole House.

House in committee of the whole.

Consideration of Bill 136, An Act to amend the Highway Traffic Act.

Sections 1 to 5, inclusive, agreed to.

On section 6:

The Deputy Chairman: Hon. Mr. Snow moves subsection 6(2) of the bill be struck out.

Motion agreed to.

Section 6, as amended, agreed to.

Sections 7 to 9, inclusive, agreed to.

Bill, as amended, ordered to be reported.

On motion by Hon. Mr. Wells, the committee of the whole House reported one bill with a certain amendment.

THIRD READING

The following bill was given third reading on motion:

Bill 136, An Act to amend the Highway Traffic Act.

12:10 p.m.

BUDGET DEBATE

Resuming the adjourned debate on the amendment to the motion that this House approves in general the budgetary policy of the government.

Mr. Rae: Mr. Speaker, in wrapping up this session for the New Democratic Party, I want to begin by renewing our best wishes to you and to your colleagues in that chair for a good holiday season and to congratulate you for having served the House so well this last year.

I also want to extend our greetings again to all the members of the House, to the staff, the Clerk's office, the pages and everyone who worked so hard to make this the very happy family it of course is at all times.

Mr. McClellan: The happiest Legislature in the entire world.

Mr. Rae: It is certainly the happiest Legislature I have ever been in, and I have been in two.

I would like to summarize in a few short remarks our concern about what the government has not done, our concern at the agenda that has not been touched and, frankly, I think it would not be too strong to say, our sense of real outrage that the government, instead of choosing to face in a courageous and direct way the major problems facing this economy of ours in this great province of ours, has chosen to practise the politics of trivialization, the politics of manipulation and politics that refuse to address the real issues of the day.

Perhaps there could be no finer indication of that than the statement today by the Minister of Revenue (Mr. Gregory), that the question of the exemption of roller coasters from municipal taxation has been under active discussion during 1984. One almost gets the impression that this

crucial question of ferris wheels, roller coasters and carnival barkers has been of such importance and preoccupation to the government that it has been unable to address the important questions that are facing the province.

Just as last year, at a time when we were facing record unemployment in this province, the government chose to use that occasion to introduce legislation such as the Arboreal Emblem Act, which, as all members know, is the legislation that officially decrees the white pine as the official tree of Ontario, next year it appears the Legislature is going to be preoccupied with questions involving roller coasters, ferris wheels and carnival barkers rather than legislation that really matters to the people of this province and really affects the future of this province.

It is with this whole theme, and perhaps as we focus on the whole career of the Premier (Mr. Davis)—and I am sorry he is not in the House today to hear the remarks I have to make; I am sorry he has chosen not to reply to the—

Mr. Kennedy: He is tuned in; he does not miss very much.

Mr. Rae: He is tuned in, is he? I am glad he is tuned in. I am delighted to hear that.

His colleague, the member for Mississauga South, says he does not miss very much. I have noticed that as well, but I would have hoped he would have chosen today to break the fast, to be with us and perhaps to reply to the points we are going to be making and to the points I am sure the leader of the Liberal Party is going to be making about our sense of frustration with this session.

It is not simply unfinished business since 1984 that we are talking about; it is unfinished business since the member for Brampton became Premier. It is perhaps worth recalling that it was in 1971 that he raised the issue of Spadina and attempted to take credit for ending the construction of the expressway. Yet as we end this session we still do not have any indication of exactly how the government intends to ensure there will not be an extension of the Spadina expressway and there will be real protection for the city of Toronto and for the residents of Toronto, who, as the government well knows, feel so strongly about the possibility of extending that expressway through homes, neighbourhoods, ravines and people's streets, thereby making life for them in this great city much more difficult and much more unpleasant.

I find it ironic that the Premier would in a kind of almost offhand way, at the end of an answer to the leader of the Liberal Party as we were having this exchange this morning, simply drop the

point that he hoped it would all be resolved next week, but he could not tell us exactly how or exactly what form it would take.

I say I find it ironic because to me it would have been very easy for the government to have indicated some weeks and months ago what its plan was. It certainly would have been possible to have had legislation passed by this House, given the commitment that exists to making good on our commitment to the people of the city of Toronto who feel so strongly about that particular issue.

I want to touch more broadly on other questions affecting the province which the government has really failed to deal with in a quite unusual way. After all it was in 1964, in the mid-1960s, that this Legislature first began considering the whole question of reform of our private and public pensions.

I find it more than a little disappointing, in fact nothing short of an outrage, that we would have come this far and this long into this session without having one single piece of legislation dealing with job security, the protection of the ordinary workers of this province from the devastating effects of economic change and the need to reform our private pension system in this province.

As of today, half the workers in this province do not have a private pension. This government has launched special inquiry after special inquiry, legislative study after royal commission, dealing with the question of the reform of our pension system. As the Premier decides to take his own retirement, it is perhaps more than a little ironic to find this government has done absolutely nothing for pension protection, pension reform, job security reform and early retirement reform.

In fact, this government is part of a movement in this country to take us in the opposite direction. Under the policies of Mr. Mulroney, it will be more difficult for older workers to retire earlier in Ontario. It will be more difficult and more punitive for those workers to try to get out of the work force before they are 65.

I must confess I find it sad that this government would have no response to that whole range of problems, no response to what I think has become the most burning issue affecting this province, namely, the issue of security. The basic challenge facing this province is how to cope with the amount and effect of change, both economic and social. How do we do it in a way that protects the values, the instincts, the

property rights, the job rights and the people rights of the people of this province?

This government has not addressed that issue; it has not touched that issue. It puts its head in the sand when the Simpsons layoffs take place, the strike at Eaton's takes place, when workers are affected by economic change and when it is faced with the fact that four out of every five jobs created in this province in the last three years have been part-time jobs. The government has done nothing to ensure rights for part-time workers in the private sector.

In terms of legislation, it has completely ignored the most important question affecting this province, the question of security. I look at that agenda which not only has not been dealt with, but has not even been addressed or put to this House. We have been faced with a myriad of minor pieces of legislation and various pieces of housekeeping that come up here and preoccupy this House for so long.

I think the public would be more than a little surprised if they were aware what was really on the agenda of this government, compared to what is on their own personal agenda and what they themselves are faced with. It is a government which specializes in evasion, avoidance, delay and indecision. It is government which has made that its very watch-piece.

12:20 p.m.

If I may turn for a moment from the fundamental questions of job security and pension reform to other issues that are of vital importance to the people of this province, we find the same pattern repeating itself time and again: a pattern of delay, avoidance, evasion, trivialization and misleading the public with respect to what is being done and considered.

Let us take the question of equality between men and women. The members of this House voted unanimously in favour of a resolution supporting the principle of equal pay for work of equal value, but this government has yet to address that question in a straightforward way. Last session, it brought in a bill that was criticized by every women's group at work in the province, ranging from the Young Women's Christian Association to labour groups and teachers' organizations. These were not fringe or special interest advocacy groups; they were a range of groups representing a wide basis of interests in this province.

We went through a federal election campaign during which the federal leaders of the Tory, Liberal and New Democratic parties indicated their support for equal pay for work of equal

value. However, to this day, this Tory government is in effect opposed to equal pay for work of equal value. The four leadership candidates are opposed to equal pay for work of equal value. Let the record show they are completely out of touch and out to lunch on the question of equality in Ontario.

We have the Attorney General (Mr. McMurtry) saying he is going to deal with the question of family law reform. That is something that interests me a great deal. I can remember asking the Attorney General about it soon after my election to the House. It is a subject that has been a personal concern of the member for Beaches-Woodbine (Ms. Bryden) for many years.

This party is on record as expressing its dissatisfaction with the failure of the initial Family Law Reform Act to deal with the question of the equality of men and women and the need for women to have access, upon the breakdown of a marriage, to all assets accumulated during the course of that marriage. That principle has been accepted in other jurisdictions and provinces. It is a principle on which the government could easily have obtained a consensus if it had been determined to play a leadership role in the issue. Instead, we have had a kind of good-cop, bad-cop routine from the government for more than two and a half years.

The government talks about the need to be democratic and for a process of consultation. Of course one needs to have a process of consultation, but once that consultation has been done, and we all know it has been done, it becomes necessary to make a decision about the values one's party and government have and the value that one's legal system will have.

As of today, men and women are being discriminated against. Women in particular are being denied access to support and assets they ought to have. I can tell the Attorney General that the family courts are in a mess. Many lawyers are declining to settle cases totally because they have been expecting the legislation. The process of delay and procrastination is unbelievable.

We have a strong and deep sense that the governing Tory party of Ontario is not committed to equality when it comes to family law reform. It is not committed to seeing that both spouses get a fair shake out of the partnership that is a modern marriage. It is committed to an unequal situation within the family and in the division of assets within the family. That is something the record will show.

I am convinced the Attorney General has decided to go soft on the question of family law reform because he is seeking the nomination of the leadership of a party that is moving steadfastly and lemming-like to the right. He knows that if he is going to appeal to those delegates at the convention, if he is going to appeal to the right-wing element in the Tory party at all, he is going to have to lower his voice, he is going to have to placate, he is going to have to change his mind. He is going to have to bury, to deep-six; he is going to have to avoid and evade the basic questions of family law reform.

It is a sad thing to see, but I have to say that if this government and this Attorney General had been really interested in family law reform we could have had a bill at the beginning of the session, hearings in the middle of this session and a law by the end of this session; instead of which we have had absolutely nothing from the Tory party of Ontario when it comes to equality in a marriage.

I held a press conference last year with five women who talked about the difficulty they were having in getting their maintenance orders enforced. These women were owed \$10,000, \$12,000, \$15,000, \$20,000 and \$25,000 by their husbands. These women were not wealthy, but they had husbands who were working, and they knew they were working. They also knew those husbands had systematically avoided their responsibilities.

The legal system has become a maze or nightmare for such women, who are faced with endless delays, court costs and lawyers' fees. It has become a complete, abysmal nightmare for women who are facing the need to provide for themselves and their families and must have serious enforcement.

We have enforcement in Manitoba. Why can we not have enforcement in Ontario? There is one simple reason: the Tory party is not committed to it. The Tory party does not believe in it. The Tory party is not prepared to do anything about it. That is what has happened. That is the record. Those are the facts.

Those facts and those women speak far louder than any of the so-called commitments made by the Attorney General or the Deputy Premier (Mr. Welch) standing up in the House and saying: "Next year we will have pension reform. Next year we will have family law reform. Next year we are going to do something about layoffs. Next year we are going to provide some protection."

The Tory party has been promising "next year" for 41 years. It is time that "next year" was this

year. It is time this government recognized that some things should not be delayed and cannot wait and that we must have today, now, things it is prepared to address in a straightforward manner. The question of equality is something that simply cannot wait.

The government has the ability to deal with this problem; it has the legal means to deal with it, and it has the will of the Legislature in that it has the majority. What it does not have is the political will and the commitment to deal with the problem.

The frustration we feel on this side of the House has been borne out by the by-elections that were held yesterday. I am very proud to say our vote and our party went up in all areas of the province, even in areas where we have traditionally not been particularly strong. We won two seats. We have done remarkably well in taking our case to the people of this province and in making a case on the issues.

If I may say so, there was one theme we began to pick up on the doorsteps in the last week. It was a theme we had not heard before. The theme was: "We think highly of Mr. Davis, but what is coming after Davis? What is it the Tories believe in after Davis? What is going to happen after Mr. Davis?"

That subject is of great concern to many people in this province as we hear the Tory party falling all over itself, each one of them falling all over themselves to show they are more right-wing, more fiscally conservative, more determined to get tough with people, more determined to move the province to the right, more committed to totally privatizing the universe and more committed to cutting back on the public sector and on public services and social services.

12:30 p.m.

The political mood of this province has begun to shift; that is something I am delighted to see and delighted to note. As that shift takes place, people will ask themselves the question, "What is the government doing to address the problem?"

Take the town of Ear Falls and the decision by the owners of the Griffith mine to shut it down. Throughout the 1960s and the 1970s in this Legislature, our party consistently raised the problem of one-industry towns. What do we do to provide security for towns that are reliant on one employer only for their future? During the period of minority government, we had the government saying: "We agree with this concern. We are going to set up a committee and we are going to have a task force."

That task force scarcely ever met. It issued no reports, it made no recommendations, it drafted no laws, it produced no regulations, it affected not one jot the decision of private companies and it had zero effect on the job security and the economic security of northern Ontario. In fact, it is symbolic of the policy of lethargy, neglect, evasion and avoidance which we now know is synonymous with the best the Tory party can do, even in the worst of times.

Who was involved in that? Not people who have disappeared from the scene. My God, would that they had. Not people who have passed on to their reward in the internal relief department of the Tory party, which knows practically no boundaries and no borders in the various commissions, boards and tribunals that are far greater than any solution any other party has ever worked out for its worthy citizens.

We are talking about the future leadership. We are talking about the Minister of Northern Affairs (Mr. Bernier) and about the Minister of Industry and Trade (Mr. F. S. Miller), the man who sees himself as the Canadianized version of Ronald Reagan and who wants to lead the Tory party into the 1980s with a policy that smacks of the 1780s. We are talking about the two ministers who were involved in the task force on single-industry towns and who have produced nothing.

Since the Ear Falls closure was announced by the Minister of Northern Affairs, the government up until now has refused even to debate this matter on the floor of this House. It has said, "The Premier has written a letter to the president of Stelco. We are going to have a quiet meeting with Stelco." The Minister of Labour (Mr. Ramsay) has had a lot of quiet meetings. We have had members there. The member for Hamilton East (Mr. Mackenzie) has been there time and again.

We have been involved in those quiet meetings ourselves. We have been asked to go there to be witnesses at burial of a company. One hears the apologies that come from the government. One hears the apologies that come from the ministers. They say, "Please, will you reconsider? Please sit down." When they get down, the company says, "We will take your concerns into account." A few weeks later, it says, "Our decision remains unchanged."

That is what happens when you have a party that is more concerned with cosmetics than it is with reality, more concerned with appearing to do something than doing something. I do not know whether the Minister of Northern Affairs will be successful in convincing Stelco to delay

or change its decision. I have my suspicions. I believe that unless there is legislation the government is simply involved in begging, pleading, cajoling, wheedling, praying, pushing and needling in the hope that eventually the company will change its mind, even for a few weeks. Perhaps it will announce a change of mind in time for the next provincial election.

We all know the relationship between Stelco and the Tory party is a close one. We understand that. The government has the same relationship with Eaton's and all the other major employers and powerful private interests in this province. The Tory party has a very close relationship with all of them, from the nursing home industry to the retail industry and the major manufacturers.

It may be that behind closed doors some kind of sweetheart arrangement can be worked out for a few months, but there will be nothing that says to the companies of this province: "We simply want fairness for the ordinary employees. Your companies have received tax benefits. You have received special benefits. You have received special concessions with regard to the whole infrastructure of the town. All we are asking is that you appear before a tribunal to justify and explain your decision and to satisfy us that there is no option or course for your company other than the one you are taking." Instead of that public action, the government prefers the private deal and the private arrangement; it prefers a deal on the q.t.

When there is a New Democratic Party government in this province, there will be no such special deals and arrangements. There will be open arrangements, openly arrived at according to the laws of this province, which will ensure the security of ordinary people. There will security for the people of the north.

This government is ignoring the most pressing and obvious lessons of the 1970s. We have in Ontario Hydro a major public utility that the government has refused to control or rein in. We are the only jurisdiction in North America with a utility that has not fully woken up to the realities of the 1980s. It is still on a binge as if we were in the 1950s and did not have to take into account conservation, alternative fuels and other means of producing power. It set itself on a nuclear course decades ago and has yet to get off that particular appetite.

Ontario Hydro is a utility that is charging the consumers of this province at twice the rate of inflation. It plans to continue to draw from the consumers of this province at twice and even three times the rate of inflation into the 1990s. It

is nothing short of a disgrace that a publicly owned corporation which has earned the respect and loyalty of the people of this province over so many years should be imposing unsupportable and unjustifiable costs on consumers.

Hydro's present situation is the product of mismanagement and the Tories' refusal to come to grips with the need for an energy policy that learns something from the 1960s and 1970s, and from the experiences of the Tennessee Valley Authority and of utilities in every other jurisdiction that has woken up to what is happening. We pretend we can somehow put up barriers around Ontario and keep on with this binge as if no changes are necessary.

It is a feature of the leadership I associate with the Premier to try to avoid confrontation and difficult decisions, always to muffle opportunities, to pad everything and to avoid and evade things. It reminds me of Mackenzie King's leadership. There is no question that in political terms it has been successful.

We all look at the Premier with a degree of respect as a political operator—and I do not mean that in a negative sense—as a political man. What other politician could have been outside the Legislature for three months and had no adverse public commentary apart from what came from members of the opposition? That is an achievement.

I was in the House of Commons for three and a half years. Let us imagine Pierre Trudeau had not turned up in the House for three months. That would have been the number one item on the news every night, not because of what the opposition was saying but because the public would not tolerate it and would not stand for it.

However, in the cozy, private, happy family arrangement of Ontario, it has worked out. If the Premier chooses to be away for substantial periods of time, that is apparently something one must not comment on as if it would be unseemly to mention it.

It is nothing short of bizarre that at a time when pressing issues have been facing this province, the Premier has chosen to be absent. A lame duck is one thing; an absent duck is another. I do not think it is what the people of Ontario want, expect or endorse, but it represents the way things are done.

12:40 p.m.

If we look at Ontario Hydro, environmental protection, single-industry towns and forest regeneration, which admittedly are difficult issues, we see a pattern of avoidance and evasion in which the government says: "We will leave

that until tomorrow. It is a difficult decision; we will put it off, we will not deal with it. We will set up another committee. We will have another task force. We will appoint a minister to be involved with a series of civil servants."

In the end, nothing happens and nothing gets decided. In face of such inertia, and in the glacial movement of large institutions such as Ontario Hydro, nothing gets changed, because if you do not take the tough decisions they do not get the message. That is why my colleague the member for Welland-Thorold (Mr. Swart) advocated today a freeze on hydro prices for a year.

They can do it in Quebec; why can we not do it here in Ontario? If it is good enough for Quebec consumers, why not here in Ontario? If it is good enough for Consumers' Gas consumers and Union Gas consumers, why is it not good enough for Ontario Hydro consumers? If we do not do it, they are not going to get the message in that glass building across the way. That is why it has to be done.

I find it ironic that a government that was pulled very reluctantly—I think "kicking and screaming" would not be too strong an expression—into the era of medicare at the beginning of the premiership of the member for Brampton (Mr. Davis), whose predecessor, Mr. Robarts, called it a machiavellian scheme, should now be involved in making Ontario the capital in Canada of private-profit medicine.

Let us look at the record. There is more extra billing going on in Ontario than anywhere else in Canada. The volume is greater. The practice is more widespread and is more condoned by the government of Ontario than it is by that of any other province. Even the government of that famous right-winger Grant Devine, who is so right wing he could not bring himself to support the Premier of Ontario at the federal leadership convention—at least, I assume that was the reason; I do not know what the reason was—agrees that it will get rid of extra billing and negotiate with its doctors; not Ontario. Even Mr. Mulroney accepts the fact that extra billing has to end; but not Ontario.

We have a policy under which this government has decided that health care is for sale. We now have a private sector industry in health care that has grown exponentially since 1971 and which is using its base in caring for older people in the nursing home industry as a base for attacking the whole basis of a publicly funded, publicly operated social service, which is what medicine should be in this province.

The longer the Tories are in power, the more private-profit medicine is going to find that Ontario is its haven and its home; and in my view that is a disgrace. It is time it was stopped dead in its tracks. It is time we had a government in this province that was committed to medicine as a service, committed to caring for seniors, committed to caring for all our people as a service and committed to seeing that health care is not to be for sale.

Je veux continuer en parlant de la question qui a été évitée par le gouvernement du premier ministre depuis 1971, une question qui reste, à mon avis, profondément importante pour la population franco-ontarienne de notre province. C'est la question de l'importance de l'enchâssement dans notre Constitution des droits linguistiques de la minorité francophone dans la province.

Je crois que les historiens vont dire que ce gouvernement a vraiment manqué le bateau, qu'il a manqué l'opportunité. Il avait l'opportunité pendant le débat constitutionnel, il avait l'opportunité de faire quelque chose, de démontrer vraiment que le leadership de la province de l'Ontario voulait dire quelque chose. À mon avis, il a évité cette possibilité.

I have always said the Premier of this province, by looking inward instead of outward, by looking to the past instead of to the future, missed an opportunity for constitutional leadership on the question of the entrenchment of French language rights in our provincial and federal constitutions.

I know this is not an electorally popular course. I know it is a course that, if we witness what has happened in Manitoba, New Brunswick and other provinces, is a difficult issue. I do not mind saying that and I recognize that. I grew up in the east end of Ottawa and I know about the tensions that exist in our communities.

I say to the Deputy Premier, who is here in place of the Premier, I think it is an opportunity missed. It is something that would have been easier to do during the whole constitutional debate; it would have been possible to do at that time, and it would have been done with the support of all parties. We would all have been committed to it, we would all have been committed to selling it, we would all have been committed to explaining it, and we would all have been committed to trying to produce that reconciliation and that recognition of minority rights that requires goodwill on all sides of the House.

I say to the Deputy Premier, when the record is written one will say, "Yes, some progress was made with respect to certain services being made available." But there is such a psychological difference between making services available on the basis of a handout from the government and recognizing something on the basis of right, that I have always believed, and will continue to believe, that the entrenchment question is an important question. I think the government has underestimated this; because what this government frequently does not understand is that what may be on page 28 of the *Toronto Star*, or page 28 of the *Globe and Mail* or any of the newspapers of this province, is on page 1 in *Le Devoir* and *La Presse* in Quebec.

It is a sense of our place in this country that has been missed. It is a sense of understanding that we could do an awful lot more to bring this country together, particularly to involve Quebec in this process of constitutional reform. If Ontario had been prepared to take that step, I think it would have done a lot. I was in Ottawa at the time and I was convinced, when talking to my friends in Quebec, that it would have made an enormous difference. Penetang and the questions involving schools in Cochrane that we do not even read about in the press in southern Ontario are front-page news items in *Le Devoir* and *La Presse*. Why? Because there is a continuing feeling that the English majority in Ontario is not prepared to recognize some things in the Constitution.

I pay tribute briefly to Mr. Hoy, who will be leaving the press gallery and who, I know, we all feel very strongly about. I know Mr. Hoy has very different views on this and expresses himself in no uncertain terms about the fact that Quebec has not done very much, and so on. I am not disagreeing with that. No one opposed Bill 101 more strongly than I did in Quebec. In fact, I got into trouble for saying some things in the House of Commons against it.

We do not protect the rights of a minority in Quebec by taking away or not recognizing rights of a minority in Ontario. Once one starts playing that game there is no end to it. So I say to the Deputy Premier and I say to the Premier, it is not too late.

I happen to think there would be no finer way for the Premier of this province to end his premiership than by talking to the leaders of both political parties in opposition—I would have liked him to do it in the House while he was here but this may not be possible—and to have said, "I am now going to move in that constitutional vein."

What an opening that would make with respect to the reforms we are trying to effect federally in 1985 regarding getting Quebec involved in the process of constitutional reform. Imagine the psychological breakthrough that would be made if the Tory party in Ontario decided to do something that would have a dramatic effect on public opinion in Quebec.

I want to say to the Deputy Premier I am committed to that idea. I would not tolerate any one of my candidates ever using the Premier's having decided to do that in any way, shape or form in an election campaign. We are absolutely committed to seeing that it gets done and I call on the Deputy Premier today to pass the message to the Premier that we want to get it done, we want to see it through, and we want him to do it before he retires because we think it is important and because we think it is going to make a difference.

12:50 p.m.

It has been an interesting year. It has been an interesting 12-year period for the province. We have watched a political professional at work, the likes of which I do not think we are going to see in the next few years, and I say this with respect to the contestants in this beauty contest that is taking place, the dinosaurs' breakdance.

Hon. Mr. Ashe: Jealousy will get you nowhere.

Mr. Rae: I did not mean the minister in particular, but if he wants to respond, that is fine; just wave a wing there.

We have watched a government survive. We have watched a government fall into a minority and then achieve, again, a majority. All of us are political professionals in this House. We have respect for those who win elections and we have respect, in a professional sense, for those who, in a cosmetic way, so obviously understand the process.

I go back to the problems that will not go away. I go back to Spadina. I go back to job protection, job creation, pension protection and security protection. I go back to the equality between men and women. I go back to the security of our northern communities faced with a problem with respect to forestry supply, a serious problem that has been neglected by this government, and a problem in so many communities because of the overreliance on one employer. I go back to the problem of Ontario Hydro.

We turn to the difficult question of how to keep the pressure on for environmental reform when governments in Canada and the United States appear to be backing off willy-nilly from the

cause of the protection of future generations in the name of setting industry free.

We go back to the question of privatization. We go back to the question of the Constitution, and we see a pattern of a government that would rather avoid problems than face up to them.

The Deputy Speaker: Mr. Rae moves, seconded by Mr. Foulds, that the amendment of Mr. T. P. Reid to the motion that this House approves in general the budgetary policy of the government be further amended by adding after the word "transition" and before the words "therefore, this government lacks the confidence of this House," the following:

"This House condemns the government for its failure to support an employment initiative which:

"Facilitates the replacement of imports with domestically produced goods and services. It should target those goods and services—everything from thumb tacks to computer-controlled machinery—and find ways of producing them locally;

"Introduces programs such as early retirement with full pensions, shorter working time and paid educational leave, to allow workers to share in the benefits of new technology and provide younger workers with a way into the work force;

"Rethinks the role of public sector job creation. At present there is too little work in the private sector and too much work to do in the public sector, especially in important but neglected areas such as programs to keep seniors independent, child care, recreation and culture, environmental cleanup and housing;

"Relies less on the Financial Post 500 companies and more on new forms of production, such as community enterprises and co-operatives. Support should be increased for existing and new small businesses;

"Guarantees every young person, under a youth employment and training act, the opportunity to participate in literacy, educational and vocational skills training, and brings the scattered fragments of the skills training system under a single legislative umbrella;

"Reforms the provision of post-secondary school education, apprenticeship and other vocational training to eliminate the redundancy, wasteful expenditure, bureaucratic complexity and inflexibility which characterize many current programs; and

"Requires the payment of severance pay where the employment of an employee with one or more year's service is terminated and the termination is caused by the permanent discontinuance or

reduction of all or part of the business of the employer at an establishment."

Mr. Rae: Because of the failure of the government to support those initiatives, Mr. Speaker, we move this government lacks the confidence of this House." The message is clear that we do not think this government deserves our confidence. We want an election. We want to see an election take place. We want to see it happen. We want to see it happen whether it is under the old government or under the new one.

We think, frankly, that the record of this government will be one that is full of unfinished business, of a job that has been left undone, of promises that have been made but not kept; of a government that is an expert in cosmetics, a government that is an expert in manipulation, a government that is an expert in appearances; but a government that, frankly, is not expert at dealing with the issues that simply will not go away.

Mr. Peterson: Mr. Speaker, I confess that I rise to speak on behalf of our party at the windup of the budget debate with a varied and mixed set of emotions. I would be less than frank if I did not express my disappointment that the Premier has not chosen to share his insights with us at the windup today. Instead, he has delegated his Deputy Premier, an able chap in many regards, but no one is capable of sharing with us the personal insights this Premier could have shared today.

I find this in many ways representative of this government. There is so much unfinished business. Today we will again end with an incomplete agenda.

I can say personally that some of the highlights in my 10-year experience in this House have been the windups of some of the party leaders. I remember the windup of Stephen Lewis. It was well worth the price of admission, as was the windup of my predecessor Stuart Smith when he spoke to a full House and shared his thoughts, insights, hopes and dreams for the future. As well, there was a humble confession of some of his own failure; Mr. Lewis did the same.

I think it is helpful to have that kind of insight, removed from the hurly-burly and the partisan atmosphere that sometimes overtakes this House, the fighting back and forth, the nuts and bolts and the partisanship of politics. I would have enjoyed listening to the Premier share his analysis of the last 25 years.

For all of his sins, and I have referred to him before as Canada's answer to the teflon man, I think it would have been helpful to all of us to

have his analysis of the past, as well as a sharing of his hopes and dreams for the future. That is why, when I heard an hour or so ago that he would not be in the House today, it brought a great sense of anticlimax to the proceedings, because we are at the end of an era.

This presents for us a great, new political opportunity. In spite of all his sins, he was a looming political figure in this province. I would be the first to recognize his great political skills. Even those of us who were involved and enveloped in his circumlocution and obfuscation, and who were abused and manipulated by him regularly, still admired his artistry and craft, his professional technique and his competence at the game of politics.

There is gamesmanship to politics. There is organization, fund-raising and knocking on doors. However, there is the other element of dreams, hopes and aspirations. I believe profoundly it is our responsibility to speak and to plan for the future. There is no other institution in society, except perhaps the church, that has the responsibility of preparing us now for the next decade or the next generation.

We have a responsibility at times to elevate the future and project it past the next election into the next decade; indeed, the next generation. Business does not do it. As to this major responsibility, one of our problems in this country is that it sees the future in terms of the next quarterly or annual statement. We have seen some of the fierce competitors we have in other countries take a longer-term view.

If I had to summarize the problems, I would say the future has always been seen in short blocks with respect to immediate electoral gain and immediate image, rather than dealing fundamentally with the structural problems that are overtaking this province.

1 p.m.

It is not my intention to be unkind today because I would be the first to admit that I like the Premier very much. I have enjoyed him and laughed with him. He has laughed at me and occasionally I have laughed at him. I have admired him. I admire him probably most as a family man. My own personal reminiscence of the Premier would be as we talked about family, because no one would ever question his commitment to his own family, to the integrity of that unit and to trying to build public policy from that vantage point.

On many occasions as I was developing a young family, all born while I was a member of the provincial parliament, he would share his

own experiences with me and tell me the things he did to make sure he kept close to his own family. I respect and admire that very much because I know it was advice sincerely given, unlike a lot of the political advice he gave me, but I accept the reason for which that was given as well.

I am disappointed he is not going to share this last moment with us. I am not going to draw the conclusion that he has no insights to share. Rather, I am going to hope that somehow or other he can express them in another forum. I suspect the Premier has not given up on public life. There are many options available both federally and provincially at the moment.

When we form the government, I would not exclude him from the patronage list either. There are a number of liquor stores in this province that would enjoy his fine management capabilities. He would be a very fine commissioner of football. He would be a very fine member of the board of the dome. There are lots of things he can do, and I am sure he will continue to contribute.

I think today was a very interesting day. I asked a question about Spadina, and everyone will remember that this was the issue on which he rode into this House as Premier. It is still an issue today, 13 years later—bookends on his career. That in itself is not only extraordinary but also very telling of the kind of Premier we have had. Those issues percolate and continue to be put on the back burner. They are never resolved and there is no conclusion to them, as there is no conclusion to his career today.

Therefore, we will go on and practise the politics of deferral, the politics of inquiry, the politics of commissions, the politics of polls, never really telling anybody where we are going or how we are going to get there.

I will leave it to history to judge the Premier's contribution; that is not my intention today. I have my own ideas; and they were echoed, interestingly enough, by one of his close associates, Clare Westcott, in a newspaper report when he said that history would not be very kind to the Premier. Look where Clare Westcott is today. He is chairman of the police commission. That very appointment proves he has judgement.

The Premier will go down in history as one who has been the master of the unequivocal maybe, as a man who thoughtfully and judiciously weighed every single issue that came across his desk and came down thoughtfully and unequivocally on both sides of every issue.

I look at the agenda and I look at my province, which is blessed in so many ways by so many

natural gifts. It is unique perhaps in our country, and even in the world, in having a disproportionate share of resources, in being richer and larger than most countries in the world, in having a budget bigger than those of most countries in the world. I have to ask myself, have we adequately prepared for our future and have we built the capital—intellectual, spiritual, physical—to build a bigger and a better future?

If we judge the last 13 years in that context, the answer is probably no. When we go into any of the policy areas—jobs, education, health, the environment—and ask ourselves whether we have advanced significantly, whether we know as a jurisdiction and as a body politic where we are going and how we are going to get there, I would say the answers are probably as unclear now as they were then.

There is no doubt in my mind that my greatest concern has been for the young people of this province, for their prospects in the future and their ability to cope with the complexities and uncertainties of a rapidly changing technological world. I do not think there is anyone in this room who would dare to try to predict the future definitively, but we would all agree that it is going to be more complicated and complex. The skills that will be required to compete, even to survive, will be dramatically different from what they are today.

One of the things that sustains great societies, even in times of difficulty, is hope. My problem is that I see too many people today without hope. I would invite anyone in this House to come to my constituency office in supposedly affluent London—which is a myth, although it is affluent compared with some of the other areas of the province—and sit with me in my office where I will probably have, if this goes according to past practices, 12 or 15 people wanting to see me. I will see them all.

At least seven or eight of them will be young people who cannot find jobs. They come to me and say: "I saw these programs on television. They say there are jobs and I go down and talk to the local officer and there is no job for me. Here is my list of applications. I have been looking for the past four months. What should I do?"

On the other hand, I see these thousands of jobs going wanting, according to the Canada Employment and Immigration Commission and the Canadian Federation of Independent Business and a number of other employers to which I have been privileged to talk in the last while. They are screaming for people who can be trained for jobs. I see that mismatch, the

concomitant despair, and young people on welfare. We are robbing them, cheating them and sowing the seeds of our own destruction as a society in robbing them of that one essential ingredient—hope.

We have made an abysmal effort in attacking that problem. My highest priorities are not only job programs but also education. The Minister of Education (Miss Stephenson) is here, and I am sure she is going to start getting cranky in a moment. I cannot imagine that anyone who is thoughtful, understands education as a provider or consumer, and believes that education is the most important institution we have in shaping and building our future, will vote for this government on its record.

When one looks at the problems in the secondary system, the frustrations are unbelievable. Teachers and students come to me to talk about the arbitrary, unilateral imposition of programs, good programs but without concomitant funding; whether it involves Bill 82, French-language training or the Ontario Schools, Intermediate and Senior Divisions guidelines. There is the problem of funding for the separate school system, and there is apoplexy to the point of despair and loss of hope. A lot of good teachers are increasingly saying it is becoming so frustrating, that there is nothing they can do to move the system, change it or make it better, so they are quietly opting out and saying: "I cannot change it; there is nothing I can do."

We have a crisis on our hands. I suspect the personal history I recount on this matter would be shared by most members of this House, regardless of party. I am sure each one could stand and share his own personal interface with these problems. That is one of the reasons I am such a strong supporter of politicians doing their own constituency work. Once we bureaucratize this, we filter it through a system and miss the real problems of real people in this real world. I hope those members who agree with me about these problems will continue to fight to make sure we have the kind of system that can build the future we want.

1:10 p.m.

We see it in the cutbacks in the post-secondary system where there is apoplexy. We see it in the frustration manifested by the strike of the community colleges teachers. As a Legislature we took the superficial way out of that problem and legislated them all back to work. We all thought the problem had gone away, but it has not gone away.

I will not rehash the whole situation. I grant that we did believe the interests of the students were paramount, but we have not wrestled with the problems of frustrations that caused that strike. We will pay another price in the future because of that failure to deal with the fundamental question. Again, we had the politics of cosmetics, the politics of good appearance, the politics of yesterday's polls, but we did not deal substantially with that problem.

We are dedicated to making an educational system that is relevant, that is meaningful, that prepares our young people for work in a changing world. We have put forward on many occasions our programs and our ideas. I can say that is our priority. I told you the minister would get cranky, Mr. Speaker, and my prediction was right on the money.

When I look at the changing nature of our population, I see the ageing population, I see our health care responses only on the basis of by-elections, I see the cynical deployment of beds and money only in response to political demands, as opposed to real demands, and I get cynical. Witness what they did last week in Ottawa, which has been chronically suffering because of a shortage of hospital beds that is below the provincial average. Ageing population, shortage of nursing home beds, chronic care beds and active care beds: what was the response? A measly little response during a by-election inspired exclusively by political motivation.

I guess what I am saying in my frustration today is there are times even in politics when one has to take political motives out of it and do what is right as opposed to what is expedient that day. I see the system develop and I see more and more pressure, more and more excuses saying: "We cannot do this because we do not have enough money for health. The hospital budget is going up." Meanwhile, the situation, an extenuation of the past, continues to deteriorate.

We need creative new responses. We need responses that are noninstitutional and preventive in nature, that are going to break this vicious cycle of institutionalization that has gripped our system. I believe very strongly we will not break that hold on occurrences without a change of government that can look at the future afresh, not with past perspectives or past ideas.

I admit I see the problems of being in government. Any time the government does make a change in policy it is an admission of failure in the past. I note with some interest the leadership aspirants running away from past

policy on Suncor, Ontario Hydro and a number of other things. One of the things the Tories have learned and I have never been able to learn is to do a complete about-face without turning red or without admitting any shame at all. It is a Tory characteristic I admire very much.

When I look at the problems of Ontario Hydro with respect to its environmental commitments, which have not improved in a meaningful way, again there is a grudging and late response and no leadership role. I look at the problems in that great institution and I hear the comment of Bill Wilder who said Ontario Hydro has the capacity to bankrupt this province. I worry again about the future. I worry again about the kind of society in which our children will live.

Those are comments of thoughtful people who understand what is happening today. One of the great mythologies that pervaded this chamber when we were discussing the triple-A credit rating debacle, when the Premier was saying one thing and the Treasurer (Mr. Grossman) another, is that, with very few exceptions, Ontario does not borrow on the public market so it does not matter what the credit rating is for that borrowing. The only institution that really borrows is Ontario Hydro. Its credit rating matters because it is washed through and guaranteed by the province.

So there is the exercise in cutting transfer payments. I read with great alarm some press reports that those transfers have been deferred to the next Premier because of the embarrassment over the leak on the triple-A credit problem. That next Premier is going to have to deal with those issues and is going to squeeze the situation here to protect the credit rating of Ontario Hydro in order to keep on building at a pace we do not need in this province. Social services are suffering as a direct result of Darlington. One can draw that connection when we are spending \$11 billion on a hydro plant that is not needed.

I look at so many other policy areas where the government's response is begrudging, behind the fact and never leading. As a matter of fact, I honestly cannot think of, and I stand to be corrected, one issue where the government of this province has been ahead of the people and really led. They are always dragged, kicking and screaming, into the modern age.

Perhaps that is the definition of their political genius; never lead, always follow, take a poll, judge which way the parade is going and then run quickly to get in front of it. I predict we will see the new Premier running away from a number of the policy positions of the past because the polls

are changing so substantially in a number of policy areas because of the government's failure to address them.

We look at that in women's issues, where they are absolutely neanderthal on the question of property rights, where we have been promised for years legislation on division of property and family law reform. When we look at the questions of affirmative action and equal pay, they are out of touch with the realities, not just of today but of the future as well. We have a huge job as a Legislature to rectify historic inequities. Our party is prepared to move ahead courageously in that regard and not just by dribs and drabs, not just responding to whatever pressure group puts on the most noise that day.

I was very interested to hear my friend the leader of the New Democratic Party talk about the national vision of the Premier. There is no doubt that his national vision, or lack thereof, prevented him from going where he really wanted to go, to lead the national Conservative Party.

I was heartened today to hear the leader of the New Democratic Party say the Premier should have got together with himself and myself and we should have together fashioned a response in a nonpartisan way, above the hurly-burly of the ordinary play, to respond to the constitutional initiatives and the rights of the francophone minority and other minorities in this province. We could have moved together in a way that would have transcended ordinary politics.

There are issues that can be handled with leaders of goodwill that have nothing to do with partisan issues. We know certain of the issues are infinitely more complicated than others. We know racial issues, language issues and religious issues have the capacity to divide people, whereas with proper leadership we can make progress together.

We were prepared to provide that. We put forward the idea at the time to the Premier. It has now been accepted by the leader of the New Democratic Party. I am delighted to hear from him that this is one of the ways we should have approached the question of the francophone minority in this province. It would have been helpful then and it would be helpful now. I will throw that invitation again to the new leader of the Conservative Party, who I hope will take a different view to what his predecessor has taken.

Although we have partisan differences, although we sometimes get carried away with our own rhetoric, I believe there are certain issues on which we can work together. I say that respect-

fully. There are issues on which my colleague the member for London South (Mr. Walker) and I have worked together in order to share the benefits for our great community of London, Ontario, and that is the way it should be. There are other issues in this House on which we can come and fight and divide and have our different points of view.

I am glad to see the Premier in the House. I hope he will change his mind and share his insights and hopes for the future with the members of this Legislature.

1:20 p.m.

There are many other things on my agenda now, many that are in the hands of polls or commissions or inquiries or royal commissions that are perhaps going to be dealt with some time by this government. In every one of those areas, as Liberals we know where we want to go and how to get there.

We will be taking our point of view to the people of this province, presumably this spring, and we look forward to that opportunity. It is no great secret that a number of pundits suggested some very dire consequences for us in those by-elections. That just is not the case, and for the record, I remind members that in those by-elections in five different parts of the province we achieved 43 per cent of the popular vote, the Tories 33 per cent and the New Democratic Party 23 per cent.

I got a note from the returning officer in Hamilton Centre, who said the margin between the NDP candidate and the Liberal candidate right now is 39 votes. There are 118 spoiled ballots, I am told; so I remind everyone in this room not to count his chickens before they are hatched.

It is no great secret that Liberalism has had its odd little problem in the past few months, and I am the first one to recognize that. But if members ever dismiss this party as not being a vital and viable force, they will be making a very grave mistake. We are going to carry on undaunted, with Liberal values and with the Liberal philosophy, to try to build the kind of society we want. We are not afraid of change. Our job is to mould that change to make sure all people benefit from it. We will not run away from it; we are not looking for a world that was here 20 or 30 years ago.

It is going to be interesting, once these candidates get serious, to find out where they are going to take this country and where they want to take this province. I look forward to putting forward our vision of the future in the next

election in comparison to that of whoever happens to win that race. I have great confidence the people of this province are looking at alternatives. I believe they are willing to give our party a fair hearing. I have absolutely no fear of putting forward our agenda for how to build a better Ontario. That is our job; I look forward to it.

The Liberal Party today is alive and well in Ontario. We have good people. We have two fine new additions to our caucus, who will continue to fight for the things that brought them into the party. I am extremely proud of the candidates who ran for us. The ones who lost have all distinguished themselves as fine Liberals and public servants. Mr. Speaker, I suspect you will get to know them in the not too distant future when they are elected in the next general election.

The Premier now is in the House. I have had the opportunity to share a few of my thoughts. Perhaps he had the benefit of hearing them on his squawk box. Either that way or through his network of spies he usually finds out what we say.

I give the Premier my very best personal wishes. There is not a person in this House who does not admire and respect him for a great number of things. We will always have a soft spot for him in our hearts. We will watch his future with great interest, whether he goes to Washington, to the Court of St. James's or to the football league, whether he practises law in Brampton or whether he just sits in his condominium in Florida watching the waves roll in.

Whatever the future brings to the Premier, we wish him well. He has worked hard as a faithful and dutiful public servant for the past 25 years. If I thought about it, I could probably name a couple of others who have lasted as long as the Premier—Mackenzie King and Wilfrid Laurier, for instance—but the Premier will go down in history as a great politician, as someone who has navigated some very rocky shoals, only occasionally bumping his keel against those rocks.

Perhaps the greatest compliment to a politician, regardless of party, is that he or she survived. The Premier has survived; he is looking well and is obviously in good health. We wish him and his marvellous family continued good health, success and best wishes.

On behalf of the members of my family, I extend very best wishes for a happy holiday season to all the members of the House and the members of the press. I am looking forward to

going back to London, hiding for a few days with my family and enjoying them.

It has been a long and tough session for us in many ways. We have all worked hard. Even though there are many things that divide us, there are more things that unite us as politicians. The things that brought us into politics—wanting to give, wanting to share and build a better world—are a far greater unifying factor than the things that divide us in partisan debate. Sometimes it behooves us all to remember that. I, for one, value the good fellowship with all my colleagues from this House outside the Legislature and know it will continue.

To the four contenders, it is their problem. I wish them all well. We will be standing by with an ambulance and a few quarts of blood if anybody needs help. We are looking forward to the convention with great interest and will be commenting expertly on what will be unfolding before our eyes. I have gone through two of them and can give a bit of advice. One, it is more fun to win than it is to lose. Two, the fatigue leaves one's body a lot faster if one wins than if one loses.

Whoever wins is taking on an ominous and huge responsibility. One of those four will get what is the second most important elected job in our country. It takes great vision and forward thinking, not only for our province but for our country as well. I know that whoever gets that job will try to blend the provincial vision with national vision, trying to reassert Ontario not only as the linchpin of Confederation but also as the leader in Confederation.

I wish all members well and thank them for the opportunity to speak on behalf of my colleagues.

Hon. Mr. Welch: Mr. Speaker, the motion calls for the House to approve in general the budgetary policy of the government. At this point I want to say that we on this side of the House have absolutely no trouble in supporting this motion, in case I forget to say so later.

As I participate in this discussion this afternoon, I will begin my remarks by looking to the tremendously upbeat state of our provincial economy. Our performance over the past year has been increasingly encouraging. In this context, I want to make some comments.

First, the real gross provincial product growth will exceed our budget forecast by 4.7 per cent, a figure that the opposition claimed at the time to be overly optimistic.

Mr. Peterson: If the minister cannot say nice things about the Premier, I will do it for him.

Hon. Mr. Welch: This is what the Premier says. He would want to underline this.

During the first several months of this year, manufacturing shipments have risen by more than 20 per cent, compared with last year. Consumer spending has increased by nearly 10 per cent. As announced this past week, realized net farm income in our province is expected to increase by 22 per cent this year. In referring to these figures, the *Globe and Mail* stated that Ontario was the most important agricultural province in Canada by a wide margin.

Of interest to many of us, the automotive sector continues to play a major role in our provincial economy. There is tremendous investor confidence behind the more than \$2 billion that has been allocated for investment in Canada by major corporate citizens such as General Motors, American Motors and Honda.

1:30 p.m.

One could go on to tabulate in a realistic way, but in case some might think I do not approach this with some degree of objectivity, it might be interesting to see what others have to say about Ontario at this period.

Since the beginning of this fourth session of the Legislature, a number of analysts and reporters have commented on the performance of the provincial economy and the government itself. It might be helpful to remind all members what these neutral observers have noted in this regard.

Last April 27, under the headline "Improved Growth Rate is Forecast for Ontario," the *Globe and Mail* said: "Ontario has been the leader among the provinces in recognizing that a worldwide economic transformation is well under way."

Paul Kovacs, chief economist with the CMA, had this to say —

Mr. Nixon: Is that the medical association?

Hon. Mr. Welch: No. I would advise the member for Brant-Oxford-Norfolk that it is the Canadian Manufacturers' Association. The chief economist of the CMA had this to say on May 25: "The technology centres have a useful role to play." On it goes, quotation after quotation, by neutral observers.

The Canadian Broadcasting Corp. radio news reported: "The concentration of capital investment in Ontario is becoming embarrassing to the federal government, according to some analysts. Geographical location and tax incentives that are hard to match seem to be the main reasons."

Other points, of course, refer to political stability in Ontario; that is, this part of Canada

which people are writing about and about which we should share some pride, as did all the people who showed their confidence by continuing to support this party.

On August 20, an article appeared in the *Globe and Mail* headlined "Other Provinces Pale in Budget Forecasts Alongside Ontario." It is no wonder we have no difficulty in approving, in general, the budgetary policy of the government.

I do not seem to have any other quotations that would differ from those I have already shared with the members.

Now I turn from the general economic outlook to some very specific issues. Initially, let us look at factors which measure economic success. Perhaps most important and significant, and one all members of this House would want to applaud, is the fact that the inflation rate in Ontario last month was down to four per cent. That is coupled with the fact that seasonally adjusted employment in November stood at its highest level in history. That means more people were working in Ontario than ever before.

The numbers of unemployed, particularly among our young people, continued to be of concern and a priority of the government throughout this past year. This has been apparent in the job training programs. In other words, that emphasis has been there as a very high priority.

The budget allocated some \$600 million over three years for youth training and for retraining men and women for new jobs. The programs operating under the Ontario youth opportunities banner are all in place and have already provided some 77,000 jobs. An additional 23,000 jobs are projected by March 31, 1985. Through these and other measures, we are endeavouring to provide long-term solutions to the problems posed by unemployment and a rapidly changing work place.

In this context, as we think in terms of the budgetary policy of the government and the generally responsible position taken by the government in this area, we might well want to think as well with respect to strengthening our economic performance through measures of restraint.

Ontario led the way in implementation of responsible and orderly policies designed to control the growth and the cost of the public sector. Our employees have shown great responsibility and leadership through their participation in these programs. These programs have achieved tangible results.

May I point out to members, in case it may have been overlooked, our spending per resident

is the lowest of any province, we have the fewest public servants per 1,000 of population of any province in this country, we have the lowest—

[Applause]

Hon. Mr. Welch: I am glad to have some indication that there were others here. That is fine. I will start over again.

These programs—in case members missed this because of the applause—have achieved tangible results. Our spending per resident is the lowest of any province. We have the fewest public servants per 1,000 of population of any province. We have the lowest deficit per capita of any province.

The size of our public service has decreased by some 7.7 per cent during a period in which the population of this province increased by eight per cent. During the same period, our commitment to and our funding of the many social services provided by this government has remained both constant and secure. This has been a caring government; let us not lose sight of that. Few governments—

Mr. Foulds: The minister is so good he should run for the leadership.

Hon. Mr. Welch: I am just waiting for the draft. I am looking for someone to open the window that far; that plus \$10,000 and we are in.

Few governments anywhere can point to such a record of fiscal and social responsibility, I suggest with great humility. In summary—

Mr. Foulds: I hope the minister has not lost his place. Do not let us throw him off stride.

Hon. Mr. Welch: We have never forgotten our place. We know where we are.

Mr. Foulds: Unfortunately, neither have we.

Hon. Mr. Welch: That is right, and we have plans to make sure that does not change. I listened to the other two speeches. I heard the talk about "cosmetics" and the charge of following rather than leading. I said, "What an insult to the people of Ontario, whom we have worked with for 41 years to bring this province the type of government, the type of social problems and the type of economic leadership"—

Mr. Foulds: "Problems" is right.

Hon. Miss Stephenson: Progress, not problems.

Hon. Mr. Welch: That is right: real progress. Did I say "problems"? We have solved all the social problems to ensure progress. We take some satisfaction in that and we intend to continue that way under our new leader come February.

In summary, the economy of Ontario under the leadership of the Premier is strong and performing well. This province—

Mr. Foulds: The minister was better when he was spontaneous.

Hon. Mr. Welch: Give me a line; I sent the member some.

This province enjoys investor confidence and continuing potential growth, and that is why we in this House support in general the budgetary policy of this government.

I will move quickly to conclude, because I know that in the Christmas spirit we are all anxious to be with family and to get on with our personal and domestic responsibilities. I want to express the appreciation of the members of my caucus, of the members of the House and of the residents of this great province for the tremendous leadership given over the past 14 years by the Davis ministry.

Mr. Speaker, with your indulgence, perhaps I might be permitted to share with the members of the House what I feel have been a number of significant accomplishments of this government under the leadership of this Premier. There are so many it is hard to confine oneself, but for the purposes of the record, as we reflect upon these years, I will mention some of the highlights.

1:40 p.m.

First, let us look at the whole area of environmental protection, with the creation of the Ministry of the Environment and the pursuit of air and water quality standards that are among the highest anywhere.

Second, the Canadian Constitution and the Charter of Rights and Freedoms: The Premier was instrumental in bringing about that historic event in our country's history, and generations of Canadians to follow will be ever grateful for the leadership he showed at that time.

Third, the Urban Transportation Development Corp.: This corporation, created and owned by the government of Ontario, has become a world leader in the development and sale of urban transit equipment.

Interjections.

Mr. Speaker: Order.

Hon. Mr. Welch: The Minister of Transportation and Communications (Mr. Snow) was the first to applaud that point.

Hon. Mr. Davis: And Eric Cunningham is not here.

Hon. Mr. Welch: What constituency was he from? Wentworth North.

Fourth, senior citizens' benefit programs: Under the leadership of the Premier, the government of Ontario has developed programs for seniors that are second to none. They include free prescription drugs, free health care and property tax grants for seniors.

Fifth, let us talk about family law reform because it seemed to be the subject matter of the contribution of the other two leaders. Extensive reform has been undertaken during the Davis years to create a more equitable arrangement with respect to home and family property.

We enjoy a leadership role in this country in this regard and there are further steps to be taken. As the Attorney General (Mr. McMurtry) has pointed out, we will see further progress as far as important legislation is concerned in the next session of this Legislature.

Sixth, the members should take a look at the Ontario health insurance plan. It was created in 1972, replacing the old hospital insurance services plan. This move, in addition to many others and with the investment of many billions of dollars, has allowed this government to create and maintain the world's finest health care system.

Seventh, through the profits earned by the Ontario Lottery Corp., the government of Ontario has been able to fund thousands of sports and recreation projects, and to support cultural activities and assist with health and environmental research.

The members should think of the Ontario Games. Under the leadership of the Premier, the Ontario Summer and Winter Games were initiated, just one of the many programs that have helped Ontario athletes compete successfully around the world.

Then we think of the decentralization of government. The Davis government has moved key segments of its operations away from Toronto to other parts of the province. This includes OHIP's move to Kingston and the Ministry of Revenue's move to Oshawa.

Hon. Mr. Davis: And the Ontario Provincial Police to Brampton.

Hon. Mr. Welch: And the OPP to Brampton.

The members should think of support for agriculture. This province is Canada's leading agricultural province; let us not forget that. Over the years, the Davis government has led the way in helping farmers through such initiatives as the Ontario farm adjustment assistance program, the farm tax reduction program, the beginning farmer program and the Food Land Guidelines to protect valuable farm land, much of which is

located in the Niagara region where the finest grapes in the world are grown.

At the end of these remarks, I will be glad to hand out certain lists that have certain numbers which are available at certain stores so the members will not go wrong in making choices as far as those products are concerned. I hope the members will tell 800 grape growers and their families I said that during the course of these remarks.

The members should think of the Ontario Energy Corp., created to allow the people of this province to invest and participate in energy projects to assist in achieving self-sufficiency and to help ensure greater Canadian participation in the energy industry.

The members should think next of the new construction and safety legislation in Ontario's new Occupational Health and Safety Act, put in place during the Davis years to require adequate safety standards in the work place.

Mr. Peterson: You missed Suncor. Back up. Interjections.

Hon. Mr. Welch: I sat here and listened attentively to the Leader of the Opposition. He was so calm and statesmanlike, I could not believe it was the same person; now look what is happening as he hears the truth from this side of the House. They cannot stand to hear these facts and this truth. That is why they are there and that is why they will stay there for ever.

The member for Kenora (Mr. Bernier) asked me to include in the list the Ministry of Northern Affairs, created in 1977 to give northern Ontario its own voice at the cabinet table—and I must say it is some voice; there is no question about that—and to provide a focus for programs designed to encourage the development of the north.

Then we can include on such a list the Office of the Ombudsman, created by the Davis government in 1975 to investigate decisions and actions of government on behalf of individual citizens.

Only personal modesty prevented me from listing the next one first. In 1983, a Minister responsible for Women's Issues, an outstanding member of the executive council, was appointed by the Premier to ensure a strong cabinet presence on those issues and to bring forward measures to ensure equality for women across the province.

In 1975, the Election Finances Reform Act was passed. It was the first act of its kind in Canada, designed to ensure full and effective disclosure of and limitations on political contributions.

The Davis government also introduced the guaranteed annual income system which provides a guaranteed annual income for the elderly, the disabled and the blind.

In 1981, the Board of Industrial Leadership and Development was announced by the Davis government to make strategic investments in technology, transportation and other areas vital to Ontario's continuing economic prosperity.

Substantial initiatives have been undertaken to increase foreign trade and exports which are vital to the Ontario economy. These include the establishment of many foreign trade offices, increased trade missions and such recent measures as the export success fund. I have to include major investments that have been made to encourage Ontario's vital tourist industry, including Ontario Place, the Ontario Science Centre and Science North, to name only three.

As members know, the government of Ontario was the first government in Canada to adopt spending restraint policies in 1975 and to embark on a program to reduce the size of its civil service. This has earned the Ontario government high praise at home and abroad for sound and prudent management.

An hon. member: And a triple-A.

Hon. Mr. Welch: Yes, we must not forget the triple-A credit rating which is safely in place and secure.

These initiatives demonstrate leadership. Not everybody agreed at the time with some decisions, yet I believe history will judge them to be wise and appropriate for the times and needs of Ontario and Canada. The ultimate judge is the jury known as the electorate. We have been before that jury on many occasions and are looking forward to another opportunity under our new leader in the new year.

We talk of accomplishments and of programs, legislation and policy matters, but they mean very little without the personalities who have been involved in their development, the ability to bring consensus from discussion and the leadership that is necessary in order to ensure these accomplishments.

For me as the Deputy Premier of the province and for many of us in this House, this is an extremely emotional moment. On a very personal level, I have sat with my leader in this House for nearly 22 years and I can only reiterate what I said following the Premier's announcement to resign, "There is no finer or more highly principled person ever to have been elected a member of this Legislature than Bill Davis, the member for Brampton."

His sensitivity, his compassion and his sincerity have always enabled him, through all his political and personal times of testing, to emerge wiser and more deeply respected by his colleagues and by the people of this province and the people of our wonderful country.

1:50 p.m.

No doubt each member of this House has his or her own recollections of Bill Davis to discuss. My recollection is very straightforward. Bill Davis is a man who has achieved loyalty. I know of no one in my personal experience who better personifies the importance of that concept of loyalty. He has achieved loyalty, respect and admiration for his commitment to his family, his community and his country. These, I submit to members, are the fundamental virtues of life that people seek and respect in those who would lead them.

I have absolutely no hesitation in suggesting to the member next to me that we want to wish only good things for the Premier, his devoted wife Kathleen and his wonderful family. I believe he has the prayers, the appreciation and the best wishes of all men and women of goodwill on this very special day, the last day in which he will take his seat as first minister of Her Majesty's government in the parliament of Ontario.

I know his successor will be a very happy and fortunate individual if he can command and lead with the distinction, sensitivity, compassion, vision and evenhandedness that the Premier has demonstrated throughout the almost 14 years of what in our history will be known as the Davis ministry.

May all that is good be his for him and his family in the coming days and years. On behalf of all members of the Legislative Assembly of this province, his colleagues in our caucus and, perhaps most important, the people of Ontario, I thank him for his 25-plus years of public service to our province and its people.

Mr. Speaker: On Tuesday, May 15, 1984, Hon. Mr. Grossman moved, seconded by Hon. Mr. Davis, that this House approves in general the budgetary policy of the government.

On Thursday, May 17, 1984, Mr. T. P. Reid moved, seconded by Mr. Nixon, that the motion that this House approves in general the budgetary policy of the government be amended by deleting the words following "that" and adding thereto the following:

"This House deeply regrets the 1984 budget fails to recognize the most serious and fundamental problems facing Ontario today and condemns the government for:

"Ignoring the desperate plight of the 443,000 unemployed people in the province of Ontario and, in particular, perpetrating a cruel hoax on the 169,000 unemployed youth of this province by offering them nothing more than repackaged programs and hopes of private sector job creation;

"Continuing to collect exorbitant tax revenues from the citizens of Ontario, while at the same time refusing to rein in provincial government spending and, in particular, refusing to end such wasteful government expenditures for such excesses as the Suncor purchase, the land banks, Minaki Lodge, self-congratulatory government advertising, unnecessary government polling, the prolific use of expensive consulting services, among others;

"Introducing measures requiring expenditures by municipalities and school boards, while at the same time restricting transfer payments to those levels;

"Failing to provide tax relief to the tourism industry at a time when the provincial tourism deficit has reached a record level due to government-controlled tax and cost increases;

"Ignoring the special needs of women and, further, for continuing to impose upon them an unjustified and sexist tax on essential products;

"Further punishing low-income earners by increasing yet again OHIP premiums;

"Ignoring the plight of the Ontario farmer, who continues to face the very real prospect of bankruptcy;

"Refusing to deal with the problem of very serious shortages of affordable rental housing in numerous communities across the province;

"Continuing to cut back funding for environmental protection, at a time when concerns regarding the quality of the air we breathe and the water we drink are at their highest;

"Continuing to neglect the essential need for a comprehensive and coherent economic strategy to guide the development of the province in an era of technological transition;

"Therefore, this government lacks the confidence of this House."

Today Mr. Rae moved, seconded by Mr. Foulds, that the amendment to the motion be further amended by adding after the word "transition" and before the words "Therefore, this government lacks the confidence of this House," the following:

"This House condemns the government for its failure to support an employment initiative which:

"Facilitates the replacement of imports with domestically produced goods and services. It should target those goods and services—everything from thumb tacks to computer-controlled machinery—and find ways of producing them locally;

"Introduces programs such as early retirement with full pensions, shorter working time and paid educational leave, to allow workers to share in the benefits of new technology and provide younger workers with a way into the work force;

"Rethinks the role of public sector job creation. At present there is too little work in the private sector and too much work to do in the public sector, especially in important but neglected areas such as programs to keep seniors independent, child care, recreation and culture, environmental cleanup and housing;

"Relies less on the Financial Post 500 companies and more on new forms of production, such as community enterprises and co-operatives. Support should be increased for existing and new small businesses;

"Guarantees every young person, under a youth employment and training act, the opportunity to participate in literacy, educational and vocational skills training, and brings the scattered fragments of the skills training system under a single legislative umbrella;

"Reforms the provision of post-secondary school education, apprenticeship and other vocational training to eliminate the redundancy, wasteful expenditure, bureaucratic complexity and inflexibility which characterize many current programs; and

"Requires the payment of severance pay where the employment of an employee with one or more year's service is terminated and the termination is caused by the permanent discontinuance or reduction of all or part of the business of the employer at an establishment."

2:10 p.m.

The House divided on Mr. Rae's amendment to the amendment to the motion, which was negated on the following vote:

Ayes

Allen, Bradley, Breaugh, Bryden, Charlton, Cooke, Di Santo, Eakins, Edighoffer, Elston, Epp, Foulds, Grande, Haggerty, Kerrio, Laughren, Lupusella, Mackenzie, Martel, McClellan, McGuigan, McKessock, Miller, G. I., Newman, Nixon, O'Neil, Peterson, Philip, Rae, Reed, Riddell, Ruprecht, Ruston, Swart, Van Horne, Worton, Wrye.

Nays

Andrewes, Ashe, Baetz, Barlow, Bernier, Birch, Cousens, Cureatz, Davis, Dean, Drea, Eaton, Elgie, Eves, Fish, Gillies, Gordon, Gregory, Grossman, Harris, Havrot, Johnson, J. M., Jones, Kells, Kennedy, Lane, MacQuarrie, McCaffrey, McLean, McNeil, Miller, F. S., Mitchell;

Norton, Piché, Pollock, Pope, Ramsay, Robinson, Rotenberg, Scrivener, Shymko, Snow, Stephenson, B. M., Sterling, Stevenson, K. R., Taylor, G. W., Taylor, J. A., Timbrell, Treleaven, Villeneuve, Walker, Watson, Welch, Wells, Williams, Yakabuski.

Ayes 37; nays 56.

The House divided on Mr. T. P. Reid's amendment to the motion, which was negated on the same vote.

The House divided on Hon. Mr. Grossman's main motion, which was agreed to on the same vote reversed.

2:20 p.m.

SUPPLY ACT

The following bill was given first, second and third readings on motion by Hon. Mr. Grossman:

Bill 161, An Act granting Her Majesty certain sums of money for the Public Service for the fiscal year ending March 31, 1985.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the Legislative Assembly and took his seat upon the throne.

ROYAL ASSENT

Hon. Mr. Aird: Pray be seated.

Mr. Speaker: May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

Assistant Clerk: The following are the titles of the bills to which Your Honour's assent is prayed:

Bill 17, An Act to revise the Election Act;

Bill 77, An Act respecting the Protection and Well-being of Children and their Families;

Bill 82, An Act to amend the Theatres Act;

Bill 93, An Act respecting Public Libraries;

Bill 101, An Act to amend the Workers' Compensation Act;

Bill 109, An Act to amend the Securities Act;

Bill 119, An Act to amend the Education Act;
 Bill 136, An Act to amend the Highway Traffic Act;

Bill 138, An Act to amend the Immunization of School Pupils Act, 1982;

Bill 140, An Act to revise the Metropolitan Police Force Complaints Project Act, 1981;

Bill 145, An Act to amend the Courts of Justice Act;

Bill 147, An Act to amend the Residential Complexes Financing Costs Restraint Act, 1982;

Bill 149, An Act to amend the Ministry of Correctional Services Act;

Bill Pr8, An Act respecting the City of North York;

Bill Pr24, An Act respecting the City of Windsor;

Bill Pr35, An Act to revive Bargnesi Mines Ltd;

Bill Pr40, An Act respecting the City of St. Catharines;

Bill Pr44, An Act respecting the Town of Cobourg;

Clerk of the House: In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

Mr. Speaker: May it please Your Honour, we, Her Majesty's most dutiful and faithful subjects of the Legislative Assembly of the province of Ontario in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and government, and humbly beg to present for Your Honour's acceptance, a bill entitled An Act granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending March 31, 1985.

Clerk of the House: The Honourable the Lieutenant Governor doth thank Her Majesty's dutiful and loyal subjects, accept their benevolence and assent to this bill in Her Majesty's name.

The Honourable the Lieutenant Governor was pleased to deliver the following gracious speech.

PROROGATION SPEECH

Hon. Mr. Aird: Mr. Speaker and members of the Legislative Assembly, the government's priority during this fourth session of the 32nd Parliament of Ontario has been to encourage an economic transformation that will benefit all Ontarians. The 1984 budget presented a blueprint for economic progress with special emphasis on youth employment and skills training.

The government's commitment to an Ontario youth opportunities program is well under way with the appointment of a youth commissioner and with 10 initiatives currently helping disadvantaged young people find jobs. The government has committed \$150 million to job retraining programs and employer assistance to help our existing work force meet the challenges of the future.

During this year, Ontario's economic growth has outpaced the government's budget projections and our gross provincial product is now expected to rise above five per cent this fiscal year. More than 133,000 new jobs have been created and the deficit has been cut by \$223 million.

In addition to these measures to stimulate growth and development, my government undertook a series of initiatives responsive to current needs within the social and justice fields.

The government outlined a new course for the educational system of Ontario by extending financial support to secondary Roman Catholic schools. A commission was established to guide and advise on the implementation of this reform. In addition, the Education Act was amended to ensure that every French-speaking pupil now has the right to instruction in French. We feel this path will contribute to the progressive and harmonious development of our educational system.

The protection and wellbeing of our children have been of paramount concern to the government of Ontario. In keeping with this objective, legislation was passed to consolidate, streamline and update various acts in order to support the autonomy of the family unit and to ensure the protection and best interests of children.

As well, the responsiveness of the justice system to current needs was enhanced by the Courts of Justice Act, which accomplishes the first major reorganization of the courts of Ontario in over 50 years. The act establishes French as an official language of the courts and streamlines their organization in order to provide equitable and efficient service. Similar responsiveness to current needs was demonstrated in legislation which will accommodate provincial laws to the needs of young people.

The year 1984 has been an exceptional year. We have been honoured with the visits of His Holiness Pope John Paul II, Her Majesty Queen Elizabeth II and His Royal Highness the Duke of Edinburgh. It has been a year to celebrate the rich heritage we all share in Ontario.

Our bicentennial has provided us with an opportunity to experience the strength of spirit and depth of conviction that makes this province a land of which we can be truly proud.

In closing, may I take this opportunity to wish members a safe and pleasant holiday season.

Au nom de notre souveraine, je vous remercie. In our sovereign's name, I thank you. Je déclare cette session prorogée. I now declare this session prorogued.

Hon. Mr. Wells: Mr. Speaker and members of the Legislative Assembly, it is the will and pleasure of the Honourable the Lieutenant Governor that this Legislative Assembly be prorogued and this Legislative Assembly is accordingly prorogued.

The House prorogued at 2:28 p.m.

APPENDIX A

ANSWERS TO QUESTIONS IN ORDERS AND NOTICES

STATUS OF ANSWERS

Hon. Mr. McCague: It will not be possible to provide final answers to the following questions prior to the end of this legislative session: 295 to 299, 416, 418, 511, 513, 520, 521, 526, 553, 565 and 566 to 572.

EMISSION DISCHARGES

510. Mr. Elston: Would the Minister of the Environment list the amount of funds it spent on efforts to monitor and control acid gas emissions in Ontario in each of the last three fiscal years, 1980-81, 1981-82 and 1982-83? Would the minister also provide estimated amounts it plans to spend on controlling acid gas emissions for the next three years, 1983-84, 1984-85 and 1985-86? [Tabled August 29, 1984]

Hon. Mr. Brandt: The Acidic Precipitation In Ontario Study was established in 1979 to monitor and document the effects of acid rain in Ontario and to develop control programs. The APIOS budgets for the years specified are as follows: 1980-81, \$3,467,000; 1981-82, \$4,761,700; 1982-83, \$7,794,500; 1983-84, \$7,997,800; 1984-85, \$7,974,200 (does not include cost of living salary awards for 1984-85); 1985-86, not as yet finalized.

These figures account for expenditures directly attributable to APIOS but do not include overhead costs or the planning efforts of senior management.

BARRIE LANDFILL SITE

514. Mr. Elston: Would the Minister of the Environment provide a list of chemical wastes and other hazardous contaminants, including types and amounts, dumped into the Barrie (Sandy Hollow) landfill? Could the minister also provide a list of the sources of the contaminants and their contributions on an annual basis to the wastes dumped in the landfill? Could the minister provide the results of the hydrogeological studies of the area around the landfill site and the results of tests for contaminants in the ground water under and off the site? [Tabled August 29, 1984]
See sessional paper 285.

WASTE DISPOSAL

522. Mr. Elston: Would the Minister of the Environment please list the out-of-province

generators of liquid industrial and other hazardous wastes disposed of in Ontario during each of the last three years, including names of the generators, receivers and haulers, giving types and volumes of the wastes? [Tabled August 29, 1984]

See sessional paper 286.

WASTE LAGOONS

524. Mr. Elston: Would the Minister of the Environment provide the following information regarding the waste lagoons at the International Minerals and Chemical Corp. plant in Dunnville, Ontario: (a) copies of all reports on the lagoons and IMC's waste handling practices prepared by the ministry, or prepared by the company at the request of the ministry or prepared by a consultant for the ministry or the company; (b) copies of certificates for a waste site issued to the company; and (c) copies of reports regarding the impact of the company's wastes on the environment, in particular, the Grand River? [Tabled August 29, 1984]

See sessional paper 287.

PUBLICATION COSTS

532. Mr. Riddell: Would the Minister of Agriculture and Food provide the total yearly cost of his farm newspaper OMAF News, including distribution costs? [Tabled August 29, 1984]

Hon. Mr. Timbrell: This issue was dealt with during the estimates process.

533. Mr. Riddell: Would the Minister of Agriculture and Food provide the total cost of the following ministry publications and the total number of publications distributed: (a) Ontario 1784-1984: Life on the Farm; (b) Highlights of Agricultural Research in Ontario; (c) Marketing and Development in Ontario Agriculture; and (d) Surprise—Fascinating things you probably never knew about the Ontario Ministry of Agriculture and Food? [Tabled August 29, 1984]

Hon. Mr. Timbrell: (a) Ontario 1784-1984: Life on the Farm—total cost, \$70,080.19; total distribution, \$42,250; (b) Agricultural Research in Ontario (published quarterly)—cost per publication: June 1984, \$15,177.18; March 1984, \$13,752.25; December 1983, \$13,237.33; September 1983, \$13,481.75; total cost,

\$55,648.52; total distribution per year, 30,000; (c) Marketing and Development in Ontario Agriculture (not published since September 1983); (d) Surprise—Fascinating things you probably never knew about the Ontario Ministry of Agriculture and Food: total cost, \$50,854.09; total distribution, 23,000.

FARM ADJUSTMENT ASSISTANCE PROGRAM

534. Mr. Riddell: With respect to the ministry's farm adjustment assistance program, would the Minister of Agriculture and Food provide the total payment to date to the chairman and to members of the decision committee? [Tabled August 29, 1984]

Hon. Mr. Timbrell: As of March 31, 1984, the PDC had reviewed 5,548 cases involving 5,303 approvals and 245 rejections; average expenditure per case was \$105.21.

WATER QUALITY

538. Mr. Elston: Would the Minister of the Environment provide information on those drinking water treatment facilities where the ministry has discovered contaminants in the raw water and/or in the treated water to date since January 1, 1982? Please name the facilities and list the types and volumes of the highest levels of contaminants found in both the raw and treated water? [Tabled August 29, 1984]

Hon. Mr. Brandt: Drinking water quality information for the water treatment facilities in Niagara Falls, Fort Erie, Welland, St. Catharines, Hamilton, Oshawa and Metropolitan Toronto (R. L. Clark water treatment plant) was released on November 27, 1984, in a report entitled Drinking Water Survey of Selected Municipalities in the Niagara Area and Lake Ontario.

FILM COSTS

539. Mr. Elston: Would the Minister of Agriculture and Food provide the total cost of the new 30-minute colour film produced by the ministry, entitled Proud Beginnings? [Tabled August 29, 1984]

Hon. Mr. Timbrell: This issue was dealt with during the estimates process.

CROWN CORPORATIONS

552. Mr. Mancini: Will the ministry please provide the following information: (a) a comprehensive list of all crown corporations under the jurisdiction of the province of Ontario; (b) a list of all chief executive officers, presidents and

vice-presidents of all crown corporations; (c) the annual remuneration, fringe benefits and perquisites for the above positions for the fiscal years 1980-84, inclusive; and (d) a list of the travel expenses incurred outside of Canada for the above during fiscal years 1980-84, inclusive? [Tabled November 1, 1984]

Hon. Mr. McCague: (a) Ontario does not utilize the term "crown corporation" in its nomenclature but rather uses the generic term "agency." The Ontario Manual of Administration, volume I, section 25, maintains a complete listing of all agencies of the government of Ontario.

In April 1984, a report entitled Crown Corporations in Selected Canadian Provinces was prepared for the standing committee on public accounts. In that report, the list of Ontario "crown corporations" was derived from two sources. The first was a governmental definition of a "crown corporation" as a commercially oriented agency of the government that provides goods or services in competition with, or instead of, private sector organizations. The second source used was Public Accounts, volume 2, which utilizes the term "crown corporation" for a number of other Ontario agencies. A copy of that April 1984 listing of Ontario "crown corporations," as derived from the two sources, is attached.

(b) A list of senior personnel of the Ontario crown corporations follows.

(c) and (d) Public Accounts publishes the salaries and travel expenses of all provincial civil servants earning \$40,000 or more per year. This includes executives in Ontario's schedule I agencies. The issue of public release of information on the salaries and travelling expenses of senior personnel in the schedule II and and III agencies has been referred for review to the crown agencies review task force.

Crown Corporations of the Ontario Government

In the following a list, "a crown corporation" is defined as a commercially oriented agency of the government that provides goods or services in competition with, or instead of, private sector organizations.

All "crown corporations" would be assigned an "operational" function for the purposes of the Ontario agency policy. In most instances they are, or are intended to be, self-funding.

Schedule II "crown corporations": All schedule II agencies can be considered "crown corporations."

Ministry of Agriculture and Food: Ontario Food Terminal Board, Ontario Stock Yards Board.

Ministry of Consumer and Commercial Relations: Liquor Control Board of Ontario.

Ministry of Energy: Ontario Energy Corp., Ontario Hydro.

Ministry of the Environment: Ontario Waste Management Corp.

Ministry of Industry and Trade: IDEA Corp.; Ontario technology centres—advanced manufacturing (CAD/CAM, robotics), automotive parts, farm machinery and food processing technology, microelectronics, resource machinery.

Ministry of Natural Resources: Algonquin Forestry Authority.

Ministry of Northern Affairs: Ontario Northland Transportation Commission.

Ministry of Tourism and Recreation: Metropolitan Toronto Convention Centre Corp., Niagara Parks Commission, Ontario Lottery Corp.

Ministry of Transportation and Communications: Urban Transportation Development Corp. Ltd.

Schedule I "crown corporations": 1982-83 Public Accounts lists the following "crown corporations" which do not fund their own operations but which are providing goods and services similar to establishments in the private sector.

Ministry of Agriculture and Food: Crop Insurance Commission of Ontario, Farm Income Stabilization Commission of Ontario, Ontario Junior Farmer Establishment Loan Corp.

Ministry of Industry and Trade: the development corporations (combined)—Ontario Development Corp., Eastern Ontario Development Corp., Northern Ontario Development Corp.

Ministry of Municipal Affairs and Housing: Ontario Housing Corp., Ontario Land Corp.

Ministry of Tourism and Recreation: Ontario Place Corp.

Ministry of Transportation and Communications: Toronto Area Transit Operating Authority.

Ministry of Treasury and Economics: Ontario Education Capital Aid Corp., Ontario Municipal Improvement Corp., Ontario Universities Capital Aid Corp.

Schedule III "crown corporations": 1982-83 Public Accounts lists the following "crown corporations" in this schedule:

Ministry of Labour: Workers' Compensation Board.

Note: 1982-83 Public Accounts also lists the Ontario Educational Services Corp. This corporation is now combined with the Ontario International Corp.

Source: Crown Corporations in Selected Canadian Provinces, April 1984.

Senior Officials of Ontario "Crown Corporations"

Schedule II "crown corporations":

Ministry of Agriculture and Food: Ontario Food Terminal Board—chairman, Douglas E. Williams; general manager, C. E. (Bill) Carsley. Ontario Stock Yards Board—chairman, Donald Matheson; general manager, W. D. MacDonnell.

Ministry of Consumer and Commercial Relations: Liquor Control Board of Ontario—chairman, J. W. Ackroyd; general manager, F. A. Macinnis.

Ministry of Energy: Ontario Energy Corp.—president, Malcolm Rowan; vice-president, energy technology, Peter Szego; vice-president, energy resources, Wayne K. Brush. Ontario Hydro—chairman, Tom Campbell; president, M. Nastich.

Ministry of the Environment: Ontario Waste Management Corp.—chairman, Dr. Donald A. Chant; president, Dr. Donald A. Chant.

Ministry of Industry and Trade: IDEA Corp.—chairman, Ian H. Macdonald; president, John McMillan; vice-president, corporate affairs, Loren J. Chudy; vice-president, technology, Ignace Krizancic; vice-president, technology transfer and licensing, Larry Robinson; vice-president, marketing, Barry S. Schacter. Ontario technology centres—advanced manufacturing: chairman, David O. Bradley; president, Kenneth Jones; vice-president, CAD/CAM, John Richardson; vice-president, robotics, Ian Barrie. Automotive parts: chairman, V. E. Oechsle; president, George Lacy. Farm machinery and food processing technology: chairman, vacant; president, G. B. (Sharm) Fossenier. Microelectronics: chairman, Gordon Gow; president, Lionel Hurtubise. Resource machinery: chairman, G. W. Bell; president, John Dodge.

Ministry of Natural Resources: Algonquin Forestry Authority—chairman, Bernard Reynolds; general manager, I. D. Bird.

Ministry of Northern Affairs: Ontario Northland Transportation Commission—chairman, J. Wilfred Spooner; general manager, Peter Dymont.

Ministry of Tourism and Recreation: Metropolitan Toronto Convention Centre—chairman, John W. H. Bassett; president and chief executive officer, John Maxwell. Niagara Parks Commission—chairman, James N. Allan; general manager, D. R. Wilson. Ontario Lottery Corp.—chairman, Donald J. McLean; president, D. Norman Morris.

Ministry of Transportation and Communications: Urban Transportation Development Corp.—chairman, R. Butler; president, Kirk W. Foley.

Schedule I "Crown Corporations"

Ministry of Agriculture and Food: Crop Insurance Commission of Ontario—chairman and general manager, Morris Huff*. Farm Income Stabilization Commission of Ontario—chairman and general manager, Morris Huff*. Ontario Junior Farmer Establishment Loan Corp.—chairman and chief executive officer, Henry Ediger*.

Ministry of Industry and Trade: Ontario Development Corp.—chairman, James H. Joyce; chief executive officer, Andrew Croll*. Eastern Ontario Development Corp.—chairman, Alex Siversky; chief executive officer, Andrew Croll*. Northern Ontario Development Corp.—chairman, Douglas J. Johnson; chief executive officer, Andrew Croll*.

Ministry of Municipal Affairs and Housing: Ontario Housing Corp.—chairman, Allan R. Moses; vice-chairman and chief executive officer, L. F. Pitura*. Ontario Land Corp.—chairman, S. G. Payne; vice-chairman and chief executive officer, R. W. Riggs*.

Ministry of Tourism and Recreation: Ontario Place Corp.—chairman, William McAleer; general manager, Virginia J. Cooper*.

Ministry of Transportation and Communications: Toronto Area Transit Operating Authority—chairman, L. H. Parsons; managing director, A. F. Leach.

Ministry of Treasury and Economics: Ontario Education Capital Aid Corp., Ontario Municipal Improvement Corp., Ontario Universities Capital Aid Corp.—chairman, Donald S. McColl*; secretary-treasurer, Alvin P. Taylor*.

Schedule III "Crown Corporation"

Ministry of Labour: Workers' Compensation Board—chairman, Lincoln M. Alexander, QC; vice-chairman of administration and general manager, Allan G. MacDonald.

*Civil servants/crown employees who assume these positions as part of their regular duties.

ONTARIO ADVISORY COUNCIL ON MULTICULTURALISM AND CITIZENSHIP

573. Mr. Grande: Will the Minister of Citizenship and Culture table the report produced by the chairman of the Ontario Advisory Council on Multiculturalism and Citizenship on which the minister made the decision to extend the mandate of that council for another five years? Will the minister table any or all other documentation used to arrive at the decision to extend the mandate? [Tabled November 9, 1984]

Hon. Ms. Fish: As part of the government's regular sunset review process, the Ontario Advisory Council on Multiculturalism and Citizenship was asked by the ministry for its advice on the council's future role and mandate when the term of the council expired earlier this year. The council's suggestions were incorporated into the ministry's recommendations to the government to extend the council's term for a further five years. The ministry is confident that the council will continue to play a valuable role in bringing to the attention of the government matters of concern and interest to Ontario's multicultural communities.

574. Mr. Grande: Will the ministry table documentation produced by one or all ministries in the government canvassed as to the effectiveness of the Ontario Advisory Council on Multiculturalism and Citizenship in assisting the ministries to improve services to the ethnic groups in the province? [Tabled November 9, 1984]

575. Mr. Grande: Will the Minister of Citizenship and Culture provide letters and other documents which prove her assertion that "the council (Ontario Advisory Council on Multiculturalism and Citizenship) is held in very high esteem and has the confidence of many quarters in this province"? [Tabled November 9, 1984]

576. Mr. Grande: Will the Minister of Community and Social Services advise the House as follows: (a) which recommendations from the Ontario Advisory Council on Multiculturalism and Citizenship has the ministry accepted during the last 10 years; (b) what specific actions were taken by the said ministry to implement the recommendations accepted; (c) which OACMC recommendations aimed at this ministry were not accepted; and (d) what were the reasons for rejecting the recommendations? [Tabled November 9, 1984]

577. Mr. Grande: Will the Minister of Citizenship and Culture advise the House as follows: (a) which recommendations from the

Ontario Advisory Council on Multiculturalism and Citizenship has the ministry accepted during the last 10 years; (b) what specific actions were taken by the said ministry to implement the recommendations accepted; (c) which OACMC recommendations aimed at this ministry were not accepted; and (d) what were the reasons for rejecting the recommendations? [Tabled November 9, 1984]

578. Mr. Grande: Will the Minister of Health advise the House as follows: (a) which recommendations from the Ontario Advisory Council on Multiculturalism and Citizenship has the ministry accepted during the last 10 years; (b) what specific actions were taken by the said ministry to implement the recommendations accepted; (c) which OACMC recommendations aimed at the Ministry of Health were not accepted; and (d) what were the reasons for rejecting the recommendations? [Tabled November 9, 1984]

579. Mr. Grande: Will the Attorney General advise the House as follows: (a) which recommendations from the Ontario Advisory Council on Multiculturalism and Citizenship has the ministry accepted during the last 10 years; (b) what specific actions were taken by the Attorney General to implement the recommendations accepted; (c) which OACMC recommendations aimed at this ministry were not accepted; and (d) what were the reasons for rejecting the recommendations? [Tabled November 9, 1984]

580. Mr. Grande: Will the Minister of Colleges and Universities advise the House as follows: (a) which recommendations from the Ontario Advisory Council on Multiculturalism and Citizenship has the ministry accepted during the last 10 years; (b) what specific actions were taken by the said ministry to implement the recommendations accepted; (c) which OACMC recommendations aimed at Colleges and Universities were not accepted; and (d) what were the reasons for rejecting the recommendations? [Tabled November 9, 1984]

581. Mr. Grande: Will the Minister of Consumer and Commercial Relations advise the House as follows: (a) which recommendations from the Ontario Advisory Council on Multiculturalism and Citizenship has the ministry accepted during the last 10 years; (b) what specific actions were taken by the said ministry to implement the recommendations accepted; (c) which OACMC recommendations aimed at Consumer and Commercial Relations were not accepted; and (d) what were the reasons for

rejecting the recommendations? [Tabled November 9, 1984]

582. Mr. Grande: Will the Minister of Education advise the House as follows: (a) which recommendations from the Ontario Advisory Council on Multiculturalism and Citizenship has the ministry accepted during the last 10 years; (b) what specific actions were taken by the said ministry to implement the recommendations accepted; (c) which OACMC recommendations aimed at the Ministry of Education were not accepted; and (d) what were the reasons for rejecting the recommendations? [Tabled November 9, 1984]

583. Mr. Grande: Will the Ministry of Government Services advise the House as follows: (a) which recommendations from the Ontario Advisory Council on Multiculturalism and Citizenship has the ministry accepted during the last 10 years; (b) what specific actions were taken by the said ministry to implement the recommendations accepted; (c) which OACMC recommendations aimed at the Ministry of Government Services were not accepted; and (d) what were the reasons for rejecting the recommendations? [Tabled November 9, 1984]

584. Mr. Grande: Will the Minister of Labour advise the House as follows: (a) which recommendations from the Ontario Advisory Council on Multiculturalism and Citizenship has the ministry accepted during the last 10 years; (b) what specific actions were taken by the said ministry to implement the recommendations accepted; (c) which OACMC recommendations aimed at the Ministry of Labour were not accepted; and (d) what were the reasons for rejecting the recommendations? [Tabled November 9, 1984]

585. Mr. Grande: Will the Solicitor General advise the House as follows: (a) which recommendations from the Ontario Advisory Council on Multiculturalism and Citizenship has the ministry accepted during the last 10 years; (b) what specific actions were taken by the Solicitor General to implement the recommendations accepted; (c) which OACMC recommendations aimed at the Solicitor General's ministry were not accepted; and (d) what were the reasons for rejecting the recommendations? [Tabled November 9, 1984]

586. Mr. Grande: Will the minister responsible seek and table a report from the Ontario Provincial Police to provide answers to the following questions: (a) which recommendations from the Ontario Advisory Council on Multicul-

turalism and Citizenship have the police accepted during the last 10 years; (b) what specific actions were taken by the Ontario Provincial Police to implement the recommendations accepted; (c) which OACMC recommendations aimed at the OPP were not accepted; and (d) what were the reasons for rejecting the recommendations? [Tabled November 9, 1984]

Hon. Ms. Fish: A major responsibility of the Ontario Advisory Council on Multiculturalism and Citizenship is to foster increased sensitivity to the multicultural nature of Ontario society and wider understanding of the needs of Ontario's ethnocultural communities in the development of provincial government policies and programs.

In fulfilling this responsibility over the past 10 years, the council has forwarded more than 200 recommendations to various government ministries. These recommendations have been incorporated into the ongoing policy and program formulation processes of each ministry and the government as a whole.

It is not possible because of the time and cost involved to go back and document the responses or follow-up to each recommendation of the council.

The value the government places on the advice and recommendations of the council has been recognized by the recent renewal of the council's mandate and term for a further five years. It will continue to respond positively to the advice and recommendations of the council.

UNCLASSIFIED EMPLOYEES

593. Mr. Wildman: Would the Minister of Transportation and Communications advise the House of the total number of unclassified employees hired by the ministry in the calendar year 1984 to date, including those hired for: (a) winter season; (b) summer season; (c) temporary replacements for absent employees; (d) any other employee hired for various periods of time, as per the unclassified payroll? [Tabled November 28, 1984]

Hon. Mr. Snow: (1) 3,245 unclassified employees hired 1984 to date: (a) 1,021, winter season; (b) 1,469, summer season; (c) 357, temporary replacements for absent employees; (d) 398, others.

RESPONSES TO PETITIONS

STATUS OF RESPONSES

Hon. Mr. McCague: It will not be possible to provide final responses to the following petitions

presented to the House prior to the end of this legislative session: sessional papers 275, 294 and 297.

OMBUDSMEN

See sessional paper 229.

Hon. Mr. McMurtry: The petition deals with the appointments of the Honourable Mr. Morand, Mr. McArdle and Dr. Hill as Ombudsmen, although the only relief apparently sought (at the bottom of page 10) is the removal of Dr. Hill.

Mr. Babineau has already brought applications for judicial review with respect to the appointments of the Honourable Mr. Morand and Mr. McArdle as temporary Ombudsmen. These applications were before the courts on a number of interlocutory motions during 1983 and 1984. They were argued together before the Divisional Court on May 16, 1984, and were both dismissed, without costs. Mr. Babineau's application for leave to appeal to the Court of Appeal was dismissed, without costs, on September 5, 1984, and no further proceedings are pending in these applications.

By order in council OC-267/84, dated February 2, 1984, Dr. Hill was appointed temporary Ombudsman effective from February 20 to March 20, 1984. The Speaker of the Legislative Assembly (Mr. Turner) was out of the country during the week of February 20 to 24, 1984; Dr. Hill took the Ombudsman's oath of office from the Speaker on Monday, February 27. I understand that Dr. Hill spent the week of February 20 to 24 speaking to staff and counsel of the Ombudsman's office and in reviewing and familiarizing himself with the operations of that office.

By order in council 268/84, dated February 2, 1984, Dr. Hill was appointed Ombudsman for the province of Ontario, effective March 21, 1984. On March 21, 1984, Dr. Hill was formally sworn in as Ombudsman by the Speaker of the Legislative Assembly and he again took the oath of office.

A number of the issues raised by Mr. Babineau in his petition have been raised in a further application for judicial review which he has brought with respect to Dr. Hill's appointment and which is now before the courts.

APPENDIX B

ALPHABETICAL LIST OF MEMBERS*

(117 members)

Fourth Session, 32nd Parliament

Lieutenant Governor: Hon. J. B. Aird, OC, QC

Speaker: Hon. John M. Turner

Clerk of the House: Roderick Lewis, QC

- Allen, R. (Hamilton West NDP)
- Andrewes, Hon. P. W.**, Minister of Energy (Lincoln PC)
- Ashe, Hon. G. L.**, Minister of Government Services (Durham West PC)
- Baetz, Hon. R. C.**, Minister of Tourism and Recreation (Ottawa West PC)
- Barlow, W. W. (Cambridge PC)
- Bennett, Hon. C. F.**, Minister of Municipal Affairs and Housing (Ottawa South PC)
- Bernier, Hon. L.**, Minister of Northern Affairs (Kenora PC)
- Birch, M. (Scarborough East PC)
- Bradley, J. J. (St. Catharines L)
- Brandt, Hon. A. S.**, Minister of the Environment (Sarnia PC)
- Breaugh, M. J. (Oshawa NDP)
- Bryden, M. H. (Beaches-Woodbine NDP)
- Charlton, B. A. (Hamilton Mountain NDP)
- Conway, S. G. (Renfrew North L)
- Cooke, D. S. (Windsor-Riverside NDP)
- Cousens, D., Deputy Chairman of the Committees of the Whole House (York Centre PC)
- Cureatz, S. L. (Durham East PC)
- Davis, Hon. W. G.**, Premier (Brampton PC)
- Dean, Hon. G. H.**, Provincial Secretary for Social Development (Wentworth PC)
- Di Santo, O. (Downsview NDP)
- Drea, Hon. F.**, Minister of Community and Social Services (Scarborough Centre PC)
- Eakins, J. F. (Victoria-Haliburton L)
- Eaton, Hon. R. G.**, Minister without Portfolio (Middlesex PC)
- Edighoffer, H. A. (Perth L)
- Elgie, Hon. R. G.**, Minister of Consumer and Commercial Relations (York East PC)
- Elston, M. J. (Huron-Bruce L)
- Epp, H. A. (Waterloo North L)
- Eves, E. L. (Parry Sound PC)
- Fish, Hon. S. A.**, Minister of Citizenship and Culture (St. George PC)
- Foulds, J. F. (Port Arthur NDP)
- Gillies, P. A. (Brantford PC)
- Gordon, J. K. (Sudbury PC)
- Grande, T. (Oakwood NDP)
- Gregory, Hon. M. E. C.**, Minister of Revenue (Mississauga East PC)
- Grossman, Hon. L. S.**, Treasurer of Ontario and Minister of Economics (St. Andrew-St. Patrick PC)
- Haggerty, R. (Erie L)
- Harris, M. D. (Nipissing PC)
- Havrot, E. M. (Timiskaming PC)
- Henderson, L. C. (Lambton PC)
- Hennessy, M. (Fort William PC)
- Hodgson, W. (York North PC)
- Johnson, J. M. (Wellington-Dufferin-Peel PC)
- Johnston, R. F. (Scarborough West NDP)
- Jones, T., Deputy Speaker and Chairman of the Committees of the Whole House (Mississauga North PC)
- Kells, M. C. (Humber PC)
- Kennedy, R. D. (Mississauga South PC)
- Kerr, G. A. (Burlington South PC)
- Kerrio, V. G. (Niagara Falls L)
- Kolyn, A. (Lakeshore PC)
- Lane, J. G. (Algoma-Manitoulin PC)
- Laughren, F. (Nickel Belt NDP)
- Leluk, Hon. N. G.**, Minister of Correctional Services (York West PC)
- Lupusella, A. (Dovercourt NDP)
- Mackenzie, R. W. (Hamilton East NDP)
- MacQuarrie, R. W. (Carleton East PC)
- Mancini, R. (Essex South L)
- Martel, E. W. (Sudbury East NDP)
- McCaffrey, R. B. (Armourdale PC)
- McCague, Hon. G. R.**, Chairman, Management Board of Cabinet (Dufferin-Simcoe PC)
- McClellan, R. A. (Bellwoods NDP)
- McEwen, J. E. (Frontenac-Addington PC)
- McGuigan, J. F. (Kent-Elgin L)
- McKessock, R. (Grey L)
- McLean, A. K. (Simcoe East PC)
- McMurtry, Hon. R. R.**, Attorney General (Eglinton PC)
- McNeil, R. K. (Elgin PC)
- Miller, Hon. F. S.**, Minister of Industry and Trade (Muskoka PC)
- Miller, G. I. (Haldimand-Norfolk L)
- Mitchell, R. C. (Carleton PC)

Newman, B. (Windsor-Walkerville L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K. C., Minister of Health
 (Kingston and the Islands PC)
 O'Neil, H. P. (Quinte L)
 Peterson, D. R. (London Centre L)
 Philip, E. T. (Etobicoke NDP)
 Piché, R. L. (Cochrane North PC)
 Pollock, J. (Hastings-Peterborough PC)
Pope, Hon. A. W., Minister of Natural Resources
 (Cochrane South PC)
 Rae, R. K. (York South)
Ramsay, Hon. R. H., Minister of Labour (Sault
 Ste. Marie PC)
 Reed, J. A. (Halton-Burlington L)
 Riddell, J. K. (Huron-Middlesex L)
 Robinson, A. M. (Scarborough-Ellesmere PC)
 Rotenberg, D. (Wilson Heights PC)
 Runciman, R. W. (Leeds PC)
 Ruprecht, T. (Parkdale L)
 Ruston, R. F. (Essex North L)
 Samis, G. R. (Cornwall NDP)
 Sargent, E. C. (Grey-Bruce L)
 Scrivener, M. (St. David PC)
 Sheppard, H. N. (Northumberland PC)
 Shymko, Y. R. (High Park-Swansea PC)
Snow, Hon. J. W., Minister of Transportation
 and Communications (Oakville PC)
 Spensieri, M. A. (Yorkview L)
Stephenson, Hon. B. M., Minister of Education
 and Minister of Colleges and Universities
 (York Mills PC)
Sterling, Hon. N. W., Provincial Secretary for
 Resources Development (Carleton-Grenville
 PC)
 Stevenson, K. R. (Durham-York PC)
 Stokes, J. E. (Lake Nipigon NDP)
 Swart, M. L. (Welland-Thorold NDP)
 Sweeney, J. (Kitchener-Wilmot L)
Taylor, Hon. G. W., Solicitor General (Simcoe
 Centre PC)
 Taylor, J. A. (Prince Edward-Lennox PC)
Timbrell, Hon. D. R., Minister of Agriculture
 and Food (Don Mills PC)
 Treleven, R. L. (Oxford PC)
Turner, Hon. J. M., Speaker (Peterborough
 PC)
 Van Horne, R. G. (London North L)
 Villeneuve, N. (Stormont, Dundas and Glen-
 garry PC)
Walker, Hon. G. W., Provincial Secretary for
 Justice (London South PC)
 Watson, A. N. (Chatham-Kent PC)

Welch, Hon. R. S., Deputy Premier and
 Minister responsible for Women's Issues
 (Brock PC)
Wells, Hon. T. L., Minister of Intergovern-
 mental Affairs (Scarborough North PC)
 Wildman, B. (Algoma NDP)
 Williams, J. R. (Oriole PC)
 Wiseman, D. J. (Lanark PC)
 Worton, H. (Wellington South L)
 Wrye, W. M. (Windsor-Sandwich L)
 Yakabuski, P. J. (Renfrew South PC)

MEMBERS OF THE EXECUTIVE COUNCIL

Davis, Hon. W. G., Premier and President of the
 Council
 Welch, Hon. R. S., Deputy Premier and Minister
 responsible for Women's Issues
 Wells, Hon. T. L., Minister of Intergovern-
 mental Affairs
 Bernier, Hon. L., Minister of Northern Affairs
 Snow, Hon. J. W., Minister of Transportation
 and Communications
 Bennett, Hon. C. F., Minister of Municipal
 Affairs and Housing
 Miller, Hon. F. S., Minister of Industry and
 Trade
 Timbrell, Hon. D. R., Minister of Agriculture
 and Food
 Stephenson, Hon. B. M., Minister of Education
 and Minister of Colleges and Universities
 McMurtry, Hon. R. R., Attorney General
 Norton, Hon. K. C., Minister of Health
 Drea, Hon. F., Minister of Community and
 Social Services
 Grossman, Hon. L., Treasurer of Ontario and
 Minister of Economics
 McCague, Hon. G., Chairman of Management
 Board of Cabinet and Chairman of Cabinet
 Baetz, Hon. R. C., Minister of Tourism and
 Recreation
 Elgie, Hon. R. G., Minister of Consumer and
 Commercial Relations
 Walker, Hon. G. W., Provincial Secretary for
 Justice
 Gregory, Hon. M. E. C., Minister of Revenue
 Pope, Hon. A. W., Minister of Natural
 Resources
 Leluk, Hon. N. G., Minister of Correctional
 Services
 Ashe, Hon. G. L., Minister of Government
 Services
 Ramsay, Hon. R. H., Minister of Labour
 Sterling, Hon. N. W., Provincial Secretary for
 Resources Development
 Taylor, Hon. G. W., Solicitor General

Eaton, Hon. R. G., Minister without Portfolio
 Andrewes, Hon. P. W., Minister of Energy
 Brandt, Hon. A. S., Minister of the Environment
 Dean, Hon. G. H., Provincial Secretary for
 Social Development
 Fish, Hon. S. A., Minister of Citizenship and
 Culture

PARLIAMENTARY ASSISTANTS

Birch, M. (Scarborough East), assistant to the
 Premier
 Cureatz, S. L. (Durham East), assistant to the
 Solicitor General
 Eves, E. L. (Parry Sound), assistant to the
 Minister of Education and the Minister of
 Colleges and Universities
 Gillies, P. A. (Brantford), assistant to the
 Minister of Labour
 Gordon, J. K. (Sudbury), assistant to the
 Minister of Community and Social Services
 Harris, M. D. (Nipissing), assistant to the
 Minister of the Environment
 Hennessy, M. (Fort William), assistant to the
 Minister of Northern Affairs
 Hodgson, W. (York North), assistant to the
 Minister of Government Services
 Kells, M. C. (Humber), assistant to the Minister
 of Transportation and Communications
 Kennedy, R. D. (Mississauga South), assistant
 to the Minister of Intergovernmental Affairs
 Lane, J. G. (Algoma-Manitoulin), assistant to
 the Minister of Tourism and Recreation
 MacQuarrie, R. W. (Carleton East), assistant to
 the Attorney General
 McNeil, R. K. (Elgin), assistant to the Minister
 of Agriculture and Food
 Mitchell, R. C. (Carleton), assistant to the
 Minister of Health
 Piché, R. L. (Cochrane North), assistant to the
 Minister of Revenue
 Robinson, A. M. (Scarborough-Ellesmere),
 assistant to the Minister of Citizenship and
 Culture
 Rotenberg, D. (Wilson Heights), assistant to the
 Minister of Municipal Affairs and Housing
 Shymko, Y. R. (High Park-Swansea), assis-
 tant to the Provincial Secretary for Social
 Development
 Stevenson, K. R. (Durham-York), assistant to
 the Treasurer of Ontario and Minister of
 Economics
 Taylor, J. A. (Prince Edward-Lennox), assistant
 to the Minister of Industry and Trade
 Watson, A. N. (Chatham-Kent), assistant to the
 Minister of Energy

Williams, J. R. (Orillia), assistant to the Minister
 of Consumer and Commercial Relations
 Yakabuski, P. J. (Renfrew South), assistant to
 the Minister of Natural Resources

STANDING COMMITTEES

Administration of justice: chairman, Mr. Kolyn;
 vice-chairman, Mr. MacQuarrie; members,
 Messrs. Cureatz, Eves, Mitchell, Spensieri,
 Stevenson, Swart and Williams; clerk, F.
 Carrozza.

General government: chairman, Mr. McLean;
 vice-chairman, Mr. Harris; members, Messrs.
 Eakins, Foulds, Gillies, Gordon, Haggerty,
 Hennessy, Hodgson, McKessock, Piché and
 Samis; clerk, T. Decker.

Resources development: chairman, Mr. Barlow;
 vice-chairman, Mr. Villeneuve; members,
 Messrs. Havrot, Lane, Laughren, Lupusella,
 Mancini, McNeil, Riddell, Sweeney, Watson
 and Yakabuski; clerk, D. Arnott.

Social development: chairman, Mr. Kerr; vice-
 chairman, Mr. Kells; members, Messrs. Hender-
 son, R. F. Johnston, Mackenzie, McGuigan,
 Pollock, Robinson, Shymko, Wiseman and
 Wrye; clerk, L. Mellor.

Members' services: chairman, Mr. J. M. John-
 son; vice-chairman, Mr. Lane; members,
 Messrs. Charlton, Elston, Grande, Kennedy,
 G. I. Miller, Rotenberg, Runciman, Ruprecht,
 Shymko and Wiseman; clerk, A. Richardson.

Procedural affairs: chairman, Mr. Treleaven;
 vice-chairman, Mr. Watson; members, Messrs.
 Breaugh, Charlton, Cureatz, Edighoffer, Epp,
 Kells, Mancini, McNeil, Rotenberg and Villen-
 eue; clerk, S. Forsyth; assistant clerk, T.
 Decker.

Public accounts: chairman (vacancy); vice-
 chairman, Mr. Eves; members, Messrs. Bradley,
 Havrot, Kennedy, Kolyn, Philip, Sargent, Mrs.
 Scrivener, Messrs. J. A. Taylor and Wildman;
 clerk, F. Carrozza.

Regulations and other statutory instruments:
 chairman, Mr. Sheppard; vice-chairman, Mr.
 Gillies; members, Messrs. Cousens, Di Santo,
 Hennessy, Hodgson, Kerrio, Piché, Robinson,
 Swart, Sweeney and Van Horne; clerk, A.
 Richardson.

SELECT COMMITTEE

Ombudsman: chairman, Mr. Runciman; mem-
 bers, Messrs. Di Santo, Eakins, Hennessy,
 Hodgson, Lane, MacQuarrie, Mitchell, Philip,
 Sheppard and Van Horne; clerk, D. Arnott.

*The lists in this appendix, brought up to date as necessary, are published in Hansard on the first Friday of each month and in the first and last issues of each session.

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Charlton, B. A. (Hamilton Mountain NDP)
Cousens, D., Deputy Chairman and Acting Speaker (York Centre PC)
Davis, Hon. W. G., Premier (Brampton PC)
Dean, Hon. G. H., Provincial Secretary for Social Development (Wentworth PC)
Edighoffer, H. A. (Perth L)
Elston, M. J. (Huron-Bruce L)
Epp, H. A. (Waterloo North L)
Foulds, J. F. (Port Arthur NDP)
Gregory, Hon. M. E. C., Minister of Revenue (Mississauga East PC)
Grossman, Hon. L. S., Treasurer and Minister of Economics (St. Andrew-St. Patrick PC)
Haggerty, R. (Erie L)
Kennedy, R. D. (Mississauga South PC)
Kerrio, V. G. (Niagara Falls L)
Kolyn, A. (Lakeshore PC)
Leluk, Hon. N. G., Minister of Correctional Services (York West PC)
MacQuarrie, R. W. (Carleton East PC)
Mancini, R. (Essex South L)
McCaffrey, R. B. (Armourdale PC)
McClellan, R. A. (Bellwoods NDP)
McGuigan, J. F. (Kent-Elgin L)
McKessock, R. (Grey L)
McMurtry, Hon. R. R., Attorney General (Eglinton PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Norton, Hon. K. C., Minister of Health (Kingston and the Islands PC)
O'Neil, H. P. (Quinte L)
Peterson, D. R. (London Centre L)
Philip, E. T. (Etobicoke NDP)
Piché, R. L. (Cochrane North PC)
Pope, Hon. A. W., Minister of Natural Resources (Cochrane South PC)
Rae, R. K. (York South NDP)
Ramsay, Hon. R. H., Minister of Labour (Sault Ste. Marie PC)
Ruprecht, T. (Parkdale L)
Ruston, R. F. (Essex North L)
Sheppard, H. N. (Northumberland PC)
Stephenson, Hon. B. M., Minister of Education and Minister of Colleges and Universities (York Mills PC)
Stokes, J. E. (Lake Nipigon NDP)
Swart, M. L. (Welland-Thorold NDP)
Taylor, Hon. G. W., Solicitor General (Simcoe Centre PC)
Turner, Hon. J. M., Speaker (Peterborough PC)
Van Horne, R. G. (London North L)
Villeneuve, N. (Stormont, Dundas and Glengarry PC)
Welch, Hon. R. S., Deputy Premier and Minister responsible for Women's Issues (Brock PC)
Wells, Hon. T. L., Minister of Intergovernmental Affairs (Scarborough North PC)
Williams, J. R. (Oriole PC)
Wrye, W. M. (Windsor-Sandwich L)

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